

JACOBUS IIds
D.G. Angliæ Scot. Fran. et Hiber.
REX etc.



JACOBUS IIds
D.G. Angliæ Scot. Fran. et Hiber.
REX etc.

THE LIFE of *JAMES* II. Late KING of *England*.

CONTAINING

An ACCOUNT of His Birth, Education, Religion, and Enterprizes, both at Home and Abroad, in Peace and War, while in a Private and Publick Capacity, till his *Dethronement*.

WITH

The various Struggles made since for His *Restoration*; The State of His Court at St. *Germains*; And the Particulars of His Death.

THE

Whole intermix'd with divers Original PAPERS, DEBATES, LETTERS, DECLARATIONS, *&c.* As the Debates and Speeches about the *Bill of Exclusion*; For and against a *Standing Army* in his Time; About the *Abdication*, &c.

Illustrated with Several *Cuts* and *Medals*.

To which is added, A

A SUPPLEMENT of several Curious *Memoirs*; containing the Earl of *Peterborough*'s Negotiations in several Courts, for a Second Match for him, when D. of *York*; and at last effecting it by the Interposition of the *French* King, with the Princess of *Modena*; The Dowry Articles of Marriage, *&c.* Writ by the said Earl. – A particular Account of the *Irish* Alarm, in a Letter to a Friend: A Letter to a Member of the Convention, by Dr. *Sh—k*, &c.

The Third Edition, Corrected and Amended.

LONDON:
Printed for *J. Knapton*, in St. *Paul*'s Church-yard; and *J. Nicholson*, *J. Sprint*, and *T. Ballard*, in *Little-Britain*. 1705.


BRITISH MUSEUM

THE PREFACE.

As there are found very remarkable Occurrences in the Lives of all Men, tho' never in ſo low and inconſiderable a Station; much more may be ſaid in reſpect to thoſe of Princes and Great Perſonages, who moving in higher Spheres, their Actions muſt be much more Conſpicuous and attended with greater Variety of ſurprizing Adventures, worthy to be tranſmitted to Poſterity, as Cautionary or Inſtructive to their Succeſſors, for whoſe Benefit they ſhould be chiefly writ and intended.

I cannot think this Life that enſues can be leſs acceptable, becauſe it has been ſo Unfortunate; for tho' Proſperities are more agreeable to our weak Natures, yet adverſe Things are many times more beneficial to us, eſpecially if we can but learn the Secret of making a right Improvement of the Infelicities of others, and endeavour to ſhun thoſe dangerous Rocks whereon they have ſplit.

I ſhall not enumerate in this place the Help I have had for the Compoſing of this Prince's Life and Reign, from his Birth to his Grave, that will eaſily appear by the Peruſal of it; but I muſt aſſume the Liberty to affirm, I have laboured all I could to lay aſide all manner of Prejudices, and to ſtate Matter of Fact as it beſt appear'd to me to be ſo, without regarding the Favour or Affection of either his Friends or Enemies, both which, perhaps, could be angry with me; tho' upon a juſt Conſideration of Things, they have all the Reaſon imaginable to the contrary: And, I hope, it will be conſtrued rather good Manners, than any Crime in me, to have forborn all opprobrious Expreſſions and Undecencies, concerning a Perſon that was once our Prince, and had it not been for the Misfortune of his Education in his younger Years, might have lived and died ſo.

Tho' I have not divided this Life into Periods within the Body of the Book, becauſe the Years in the Margin are a ſufficient Diſtinction for that, as quadrating with

as much Exactneſs, as well can be, with the Matter; yet 'tis remarkable, that there are Four notable Ones that occur therein; the firſt taking its Original from his Birth, and comprehending the State of his Youth, till his Eſcape beyond Sea, and his Foreign Military Services amongſt the French and Spaniards, till the Reſtoration of his Brother Charles II. in 1660, from whence the Second begins, and is a Period, tho' not quite ſo long, in reſpect to the Number of Years, yet much fuller and interſpers'd with greater Variety of Matter and Actions, both Military and Civil (which would be too tedious here to particularize) being continued down till February, 1684. when his Brother Charles II. departing this Life, this gave Riſe to the Third Period, that takes in whatever was tranſacted by him in a Publick and Regal Capacity, till his fatal Troubles (whoſe Steps we have carefully traced) came on, as we may ſay, with winged Haſte, and put an End to his actual Reign, in leſs than the Compaſs of Four Years; where the laſt begins, and in Subſtance contains all the Struggles made by him, both by Arms and Privately, for the Recovery of his loſt Dominions, till his Death, of which you have here the Particulars, as well as his Character, and an Account of his Iſſue.

You'll find the Whole intermix'd with divers Letters, Declarations, and other Papers, that are hardly to be met with elſewhere; and, I hope, it will be thought ſome Imbelliſhment to this (in the main) his unfortunate Life, that it is illuſtrated with divers Medals that have been ſtruck upon the more fortunate Occurences of it; and whereas there is a ſhort Appendix of Two or Three Original Papers added, it's a ſufficient Excuſe to ſay, they came to hand ſince the Reſt was printed, and have References before them to direct the Reader to apply them to their proper Places.

But now that this Life has met with ſo favourable a Reception in the World, as to come to another Edition, theſe Papers are inſerted in the Body of the Book, where they properly come in, tho' we have taken another Method in reſpect to thoſe that compoſe the Supplement, which are printed altogether by themſelves at the latter End, and a Number over at a ſmall Price, for the Uſe of thoſe who bought the Firſt Edition (which we thought our ſelves obliged to do in point of Juſtice) and they will eaſily, with a little Obſervation, know what Pages they be-

belong to in both Editions. It would take up too much Room to give an Account of all the Particulars contained in the Supplement; *but ſome Hints being not unneſſary; we are to obſerve, that you'll firſt meet here with a Letter written by the Earl of* Clarendom, *in* 1668. *to the Duke of* York, *concerning his Dutcheſs turning Roman Catholick; and another to his Daughter upon the ſame ſad Occaſion, in a moſt excellent Strain, and becoming ſo great a Man, as indeed he was. Then you have an Account of the ſeveral Matches propoſed to the Duke after his firſt Dutcheſs's Deceaſe, the Perſons of many of them deſcribed, with the Intreagues relating to his Second Marriage detected, whether in* England, Germany, France, *or* Italy, *till at length it was conſummated with the young Princeſs of* Modena; *and that by the chief Negotiator of the whole Affair, I mean the late Earl of* Peterborough, *in a very voluminous and moſt pompous Book, treating of the Genealogies of ſeveral noble and ancient Families, from whence that of the* Mordaunt's *is derived, and publiſhed by Mr.* Robert Halſtead, *a Work that coſt a vaſt Sum of Money, and perform'd at that Noble Earl's Charge; and ſo much the more rare and valuable, in that there were not above Thirty of them, or thereabouts, ever printed. Beſides theſe, you have the Expedients deſign'd to be propoſed in the* Oxford *Parliament, in lieu of the* Bill of Excluſion; *A remarkable Addreſs from the* Middle-Temple *to King* James, *in* 1685. *as well as the Treaty of Alliance between* England *and* Holland *the ſame Year. To come nearer down, we have the Sentiments of the Prince and Princeſs of* Orange, *touching the Repeal of the Penal Laws and Teſt by Penſionary* Fagel *to Mr.* Stewart *at the King's private Requeſt, with other Particulars relating to that grand and momentous Affair, in* 1687, &c. *The Deſign once of proceeding, by Virtue of the* Eccleſiaſtical Commiſſion, *againſt the Seven Biſhops, in* 1688. *for refuſing to order the King's Declaration of Indulgence to be read in their reſpective Dioceſſes, occaſion'd the Biſhop of* Rocheſter *to write a Letter (herein inſerted) to the other Commiſſioners, expreſſing his Refuſal to act any further with them herein: The certain Belief of the Prince of* Orange's *Reſolution to invade* England *the ſame Year, putting the Court upon new Meaſures, was the Cauſe of a Memorial to be preſented to the* States-General *by the Mar-*

Marqueſs of Albeville, *the King's Envoy at the* Hague, *whereby he offered to enter into a ſtricter Alliance with them, which is likewiſe ſet down in its due Place and Order: The Revolution that follow'd in* England, *brought on a great many ſtrange Things, already taken Notice of in the Body of the Book: The general Allarm of the* Iriſh *Cutting of Throats is mention'd; but having received a Letter lately from the County of* Kent *upon what happen'd there upon that Head, with divers Remarkables concerning the King himſelf, while he ſtaid in thoſe Parts, before his final going off for* France: *I could not omit it, without ſome Violence to my ſelf, and fear of diſobliging my Friend, that ſuch a Piece of Curioſity ſhould be ſtill concealed from the Publick: A Pamphlet, called,* The Deſertion diſcuſs'd, *ſuppoſed to have been writ by Mr.* C---r, *with a great deal of Spirit and Smartneſs, is become ſo rare, and withal ſo adapt to the concluding Scene of this King's Reign, as well as a Letter to a Member of the* Convention, *by Dr.* Sh---ck, *that I could not conclude this* Supplement *without them; yet with no Reflections on them of any kind, which I leave entirely to the Judicious and Candid Reader.*

THE

THE LIFE OF *JAMES* the Second, Late KING of *England*, &c.

THIS Prince, the ſecond Son of *Charles* I. King of *England*, and of Queen *Mary*, Daughter of *Henry* IV. of *France*; was born at St. *James*'s on the 14th of *October*, this Year, being the 11th of his Father's Reign, and baptiz'd on the 22d, and his Birth-day was always celebrated accordingly on the 14th, though this Medal makes both his Birth and Baptiſm to be otherwiſe; the Words between a Chaplet of Roſes and Lillies be-

K. *James*'s Birth. 1633.



LXXVIII

ing *Jacobus Dux Ebor. Nat.* 15 *Oct. Baptiz.* 24 *Nov.* 1633. On the Reverſe you have the Arms of *England*, under a Ducal Coronet, with theſe Words, *Non ſic mille Cohortes.*

Soon after his Baptiſm he was inveſted with the Ducal Robes and Coronet, and created Duke of *York* and *Albany*, with all imaginable Pomp and Solemnity. To congratulate the Nativity of this Prince, the Gentlemen of the Four Inns of Court, on the 2d of *Feb.* following, preſented before his Royal Parents the King and Queen, as alſo the then Prince of *Wales*, his Brother, a Maſque, which was ſo well perform'd, that it gave plenary Satisfaction to the Court in general; and on the 11th of the ſame Month, the Lord-Mayor and Aldermen of the City, to expreſs their Joy upon this Occaſion, entertain'd their Majeſties at *Guildhall* with a ſumptuous Banquet, and other Divertiſements ſuitable thereunto: At what Time the Citizens made ſeveral Preſents to the Royal Infant. But, to ſay no more of theſe Ceremonies, and proceed on with our Deſign, we find nothing remarkable, or worth Cognizance, concerning this Prince in his Infancy, till the Year 1642. being then in the 9th of his Age, when the *Engliſh* Nation was miſerably involv'd in an unhappy Civil War, between the King and his Parliament; which we ſhall not expatiate upon any farther, than wherein this Prince, whoſe Actions are the Subject of our Hiſtory, was actually concerned; and they, by reaſon of his Minority, muſt be but few, and not very momentous; however, we are to obſerve, that during the above-mention'd Troubles, the Duke reſided moſtly at *Oxford*, being committed to the Tuition of Dr. *Broughton*, Dr. *Duppa*, afterwards Biſhop of *Chicheſter*, and Mr. *Croucher*; to which Place the King, his Father, ſome time after having been defeated by the Parliament's Forces in the North, retired, and left no practicable Methods unattempted, by draining of other Garriſons, and the like, to render that City as defenſible as could be: But upon Intimation of the near Approach and Deſign of the Enemy to lay Siege to it, he, after a ſecret Invitation, as was ſuppoſed, from the *Scotch* Army, departed privately, in a mean Habit, accompanied with Col. *John Aſburnham*, and Mr. *Hudſon* as their Servant, and ſafely arrived at the *Scottiſh* Camp, where he was ſeemingly received with Abundance of Joy, though afterwards his unworthy Entertainers proved his Betrayers.

But

But to return to the Duke; we find ſoon after, that the City of *Oxford* was not only beſieged by the Parliament's Forces, but alſo ſurrender'd upon Articles, wherein the Duke's Safety was included, who marched out, accompanied with the Marqueſs of *Hereford*, and the Earls of *Dorſet* and *Southampton*, and was convey'd to St. *James's*, where his Brother the D. of *Glouceſter*, and his Siſter *Elizabeth* had remained ever ſince the Taking of *Exeter*. Upon his Arrival he was committed to the Care and Cuſtody of the E. of *Northumberland*, who uſed him generouſly, as a Prince, and not as a Priſoner, allowing him all the Attendance, Liberty and Recreation that were neceſſary and ſuitable to his Birth and Quality; he was permitted, at his Requeſt, to make a Viſit to his Father, then given up by the *Scotch* to the Parliament, and kept in Cuſtody at *Maidenhead*, in *Berkſhire*, whither the Duke and his Siſter *Elizabeth* went, tho' not without ſuch a Guard as might ſecure their Return: When they came into his Preſence, he embraced them with Paternal Joy, and after a long Converſe with them, tho' not without abundance of Sighs and Tears, he diſmiſſed them with his Bleſſing. Here the Duke being refuſed to ſtay (as he deſired) with his Father, took his laſt Farewel of him, and ſaw that Crown'd Head no more.

D. of *York* viſits his Father.

When the Duke was return'd to St. *James's*, and found Things like to go very ill with the Royal Family, he ſome time after made his Eſcape from his Keepers, and having remained *Incognito* for a while in *England*, he at laſt, by the Aſſiſtance of Col. *Bramfield*, got on Ship-board, and ſailed into *Holland*. Upon Notice of his arrival, his Royal Siſter the Princeſs of *Orange* met and received him with the greateſt Joy imaginable, and after ſome ſtay there, being furniſhed with an Equipage beſeeming his Quality, by his Royal Siſter, he paſſed into *France*, whither the Queen his Mother and his Brother the Prince of *Wales*, had been forced ſome time before to retire, and then reſided there.

When that ſad Cataſtrophe happen'd in the bloody Execution of *Charles* I. before his own Palace, upon the 30th of *Jan.* this Year, and that the doleful News thereof came to the Prince of *Wales*, his Eldeſt Son, then at the *Hague*, the ſame was quickly communicated to the Queen his Mother, and the Duke of *York*, and cauſed an univerſal Lamentation amongſt all the Royal Family. Soon after the Prince being proclaim'd King in moſt

Charles I. Beheaded 1648.

of the Cities and Towns in *Ireland*, though it was not thought adviſeable for him to go and appear perſonally in that Kingdom; yet he ſailed for the Iſle of *Jerſey*, where he was proclaimed King by the Iſlanders, and whither the Duke of *York*, accompanied with ſeveral of the Loyal Refugees, went from *Holland* to his Aſſiſtance. They made no very long ſtay there, but returned both back to *Breda*, where the Treaty with the *Scotch* was begun and concluded; in purſuance of which the King ſet ſail for *Scotland*, and being arrived at *Scone*, was there Crown'd: After which, in order to recover his Right in *England*, he marched with an Army thither, but was totally routed by *Oliver Cromwel* at *Worceſter*, from whence the King himſelf narrowly eſcaped.

Charles II Crown'd in *Scotland*

He was not accompanied by his Brother the Duke of *York* in this Expedition, neither do we meet with any Thing conſiderable concerning his Royal Highneſs, till the War between the *French* and *Spaniards*, where he was inveſted with the Command of Lieutenant-General, under that famous Commander Mareſchal *de Turenne*, who had ſuch a Reſpect for the Duke, and good Opinion of his Conduct, that when he himſelf lay dangerouſly Ill, and was ſent to by the *French* King to nominate a General fit to ſucceed him (in caſe of his Death) ſome Authors (tho' I confeſs they are not the moſt authentick) alledge, he recommended his Highneſs to the King his Maſter for that Poſt: But however, this was in reality; it ſeems the *French* Court thought they might do well enough without his Services; for having concluded a Treaty with *Ol. Cromwel*, who had now uſurped the Government of *England*, by the Title of *Lord Protector*, it was ſtipulated in one of the Articles, that the Royal Family ſhould be driven out of *France*, and the Same was perform'd accordingly; for the Duke was diſmiſſed his Command, and likewiſe had Orders to leave *France*; from whence the King his Brother, to prevent a complemental Expulſion, had retired ſome time before, and fixed his Reſidence at the *Spaw*: However, the Duke had a flattering Apology made him (according to the *French* Mode) for the Neceſſity of his Departure; being the only Requital now made him for the Services he had done that Kingdom: But during the Time allowed him for his ſtay, after Notice, he viſited the Duke of *Modena*, then in *France*, and other great Perſons, who ſeem'd very ſorry for his Departure, eſpe-

The Royal Family Baniſhed out of *France*.

eſpecially the Mareſchal *de Turenne*; and then, having taken Leave of his Mother and the *French* King, he ſet out at the Day appointed for *Flanders*, accompanied with the Earl of *Yarmouth*, and ſeveral other Lords. Being arrived at *Bruges*, where the King his Brother was, and invited thither by *Don John* of *Auſtria*, Governour of the *Low-Countries*, upon the Rupture of the Peace between the King of *Spain* and the Protector *Oliver*; the Duke meeting with a kind Reception from the *Spaniſh* Nobility in thoſe Parts, voluntarily offered his Service in the Wars, which was gratefully accepted, tho' at firſt he had not ſuch an honourable Command as before in the *French* Army. The Duke goes into the *Spaniſh* Service.

Now the Protector, according to the Articles of the late Treaty with *France*, ſent over 6000 *Engliſh*, who joining with the *French* Army, by ſpeedy Marches entred *Flanders*, and, after the Ranſacking of ſome Places of ſmall Note, ſat down before *Dunkirk*, the Key and Inlet of the *Netherlands*. The *Spaniſh* General being alarm'd with the News, reſolv'd to attempt raiſing of the Siege, tho' at the Hazard of a Battle, and, in order thereunto, march'd, in company with the Duke of *York*, at the Head of an Army conſiſting of 15000 Men, among whom were many exiled *Engliſh*, and advanced with ſo much Expedition and Celerity, that they arriv'd much ſooner than was expected, within a Mile and half of *Turenne*'s Camp, where they encamp'd upon the Sand-hills, with a Reſolution to fall upon him with all convenient ſpeed, but their Deſign was prevented; for the *French* and *Engliſh* Generals drew out of their Camp, leaving a ſufficient Body of *French* to maintain the Siege, with a Reſolution to give the firſt Onſet; upon which *Don John* the *Spaniſh* General, called a Council of War, and having agreed to fight, he immediately fell to the Regulating of his Forces, part of which he left to the Management of the Duke of *York*, and drew them up in order of Battle. This was no ſooner done, but 300 brave and reſolute *Engliſh*, under the Command of Captain *Devaux*, and ſeconded by General *Lockart*'s own Regiment, mounted the Sand-hills, and with invincible Courage bore all down before them; upon which the Duke of *York* ſeeing the *Spaniards* give way, advanced with his own Regiment and other Troops, and charged the *Engliſh* with great Fury, tho' not with much Succeſs; for the victorious *Engliſh* put all before them ei- Battle of *Dunkirk*.

ther to flight or the Sword; while the *French*, conſiſting moſtly of Horſe, during all this hot Engagement, fired not a Piece, till they ſaw the *Spaniſh* Infantry was totally routed by the *Engliſh*, who were now about to charge the Horſe with Valour not inferior to what they had ſhewed in the Defeat of the Foot. At laſt the Mareſchal *de Turenne*, to gain all the Reputation he could for his Country-men in this Action, perſwaded the *French* Horſe with ſome Difficulty, to engage the *Spaniſh* Cavalry, which were ſoon put to the Rout, tho' the Duke uſed all the Means he could to rally them again; but his Endeavours proved ineffectual; for the *Spaniards* retreated in great Diſorder towards *Furnes*, leaving a 1000 Men and upwards ſlain upon the Spot, and 1500 taken Priſoners, whereof 800 were Officers; which made the *French* General refuſe the Sum propoſed for their Ranſom. The Plunder of the Field fell to the Share of the *French*, the *Engliſh* being to have *Dunkirk* for their Share, upon the Taking of it; wherefore they attacked it with all imaginable Vigour and Bravery, and the ſame was ſurrendred to them *June* 25. upon Articles, which we need not recite in this Place.

Dunkirk ſurrender'd, 1658.

In the mean time, his Royal Highneſs continued in the *Spaniſh* Service, as before, and not negligent in recruiting their broken and diſperſed Forces, in order to recover the loſt Glory of the Field; but before the new Levies were compleat, he received the welcome News of the Protector's Death, who expired this Year on the 3d of *Sept.* a Day whereon he had twice ſignaliz'd himſelf eminently, in the Battles of *Dunbar* and *Worceſter*, ſome Years before; however, his Royal Highneſs continued ſtill aſſiduous in the Diſcharge of the great Truſt repoſed in him by the *Spaniards*, who being now ready to try a ſecond Engagement with the victorious Enemy, a Treaty was propoſed and ſet on Foot between the Two Nations, at the earneſt Sollicitation of K. *Charles* II. as hoping to receive ſome Aſſiſtance from both (in caſe of an Accommodation) to reſtore him to his rightful Throne: However, the Treaty ſpun out to ſome Length before it came to a Concluſion, which yet did not anſwer that Prince's Expectation, Providence ordering his Reſtoration ſhould proceed not from Force of Arms, but with the Garlands of Peace: For General *Monk* having turn'd the *Rump Parliament* out, and got a free one choſen, they unanimouſly came to a Reſolve to invite his Majeſty

to

to return to the Poſſeſſion of his Kingdoms, which he did accordingly; for imbarking in *Holland*, on the 23d of *May*, accompany'd with his Brothers the Dukes of *York* and *Glouceſter*, he landed on the 25th at *Dover*, and on the 29th arrived at his Royal Palace at *Whitehall*, to the mutual Satisfaction both of himſelf and his People. K. *Charles* reſtored, 1660.

All Things began now to be regulated according to the Mode of Kingly Government, which had been quite out of Doors for about 12 Years; and beſides what the Parliament did in reſpect to the ſettling of his Majeſty's Revenue and otherwiſe, they forgot not to make a Preſent to the Duke of *York* of 100000 *l.* Soon after which the Convention aſſembled in *Ireland*, who when they had ſettled ſome weighty Affairs of that Kingdom, ſent alſo his Royal Highneſs 4000 *l.* as a Teſtimony of the great Eſteem they had for him; but the Death of the D. of *Glouceſter*, that happen'd on the 13th of *Sept.* in the 21ſt Year of his Age, was very affecting to his Highneſs, and cauſed an univerſal Lamentation at Court, he being a Prince endow'd with excellent Qualifications, both in Body and Mind, to the Ornament of the Royal Offſpring: He died of the Small-Pox, as did ſoon after his Royal Siſter, *Mary*, Princeſs of *Orange*, the Mirrour of her Sex, of the ſame Diſtemper, leaving an only Son behind her of about 10 Years old, who was the late K. of *England*. It's remarkable, that *Ann Hide*, Daughter to the E. of *Clarendon*, then Lord High Chancellor of *England*, having been married to his Royal Highneſs, during his Exile, and being now not only publickly own'd for Dutcheſs of *York*, but as ſuch declared by an Order of Council, to have Precedency of the Princeſs of *Orange*, and Queen of *Bohemia*, both of them then in *England*; thoſe Two Princeſſes ſurvived the ſaid Order but a little while, and ſome ſuppoſed their Reſentment of it might contribute to their Deaths; but however this were, the Duke ſeem'd to be no leſs affected with the Deceaſe of his Siſter, than that of his Brother, and was the chief Mourner at her Funeral Obſequies. Upon theſe fatal Stroaks happening on the Neck of one another, the Queen Mother, fearing the like might happen to her ſelf and the Princeſs *Henrietta*, was inclined to return into *France*, whereupon his Majeſty and his Royal Highneſs accompanied her to *Dover*, from whence ſhe ſail'd over for *Calais*, where we'll leave her, and take Notice, that the *Fifth Monarchy-Men*, thinking the Op- Princeſs of *Orange* dies,

portunity ſeaſonable, made an Inſurrection in the City of *London*, and kill'd ſeveral of the Citizens, being headed by one *Venner*, a Wine-Cooper, and declar'd for *King JESUS*. To quell whom, the Duke appear'd very active, and headed the Life-Guards, who being aſſiſted by the Train'd-Bands, ſoon ſuppreſt them, by killing ſome, and taking others Priſoners, moſt of which were executed.

1661. On the 23d of *April* this Year, the Coronation of K. *Charles* II. was perform'd with all the Magnificence imaginable, and the Duke bore his Part at the Solemnity, and was conſtituted a Member of the Privy-Council, wherein he acted moſtly as Chief, till ſuch time as he was laid aſide, as you'll hear in its proper Place.

I ſhall but juſt mention, that his Royal Highneſs about this Time was choſen Captain of the Artillery Company of *London*, which he was pleaſed to accept of, and proceed to obſerve, that in *June*, 1667. his Dutcheſs bore him a Son, who was baptized on the 22d of the ſame Month, after his Father's Name, by the Biſhop of *London*, the elect Archbiſhop of *Canterbury*, the King and Lord Chancellor *Clarendon* being Godfathers, and the Queen Mother was God-mother; the State was born by the Earls of St. *Albans* and *Sandwich*, and the Infant held by the Dutcheſs of *Buckingham*; and on the 17th of *July* following, the Profits of the Poſt Office and Wine-Licences were ſettled by Act of Parliament on the Duke and his Heirs.

Duke has a Son born

About this time the *Algerines* being at War with the *Engliſh* and *Dutch*, the latter, by their Ambaſſador, deſired K. *Charles* to join a Squadron of Ships with them, in order to reduce thoſe Rovers to better Terms; with which the King complied, and ſet out a Squadron under the Command of the valiant Sir *John Lawſon* for that Purpoſe. The *Dutch* ſent theirs alſo, under the famous *de Ruiter*, ſeemingly to join Sir *John*, but *de Ruiter* at the *Streights* Mouth left the *Engliſh*, and ſail'd away to Cape *Verde*, where he arrived about the latter End of *December*, with 13 Sail, made a Seizure of all he found there, and diſpoſſeſs'd the *Engliſh* of their Factories; from thence he ſail'd to the Iſle of *Gogee*, where the Governour and the Men, finding they were deſerted by the Iſlanders, were obliged to make Conditions to be tranſported to *Gambia*; but having afterwards made an Attempt upon *Barbadoes*, he was beat off from thence with Loſs. This Double-dealing of the States alarm'd

Cauſe of the *Dutch* War.

alarm'd the Parliament ſo much, that they addreſs'd the King to make War upon the *Dutch*; neither was the City of *London* leſs forward herein, the People very readily furniſhing the King with ſeveral Sums of Money; for which the Parliament next Year gave the City Thanks.

For this Reaſon, together with the *Dutch*'s engroſſing our Fiſhery, even to our Shore, and their Denial of any Satisfaction, upon Complaint made by our Ambaſſador at the *Hague*; Prince *Rupert* was ſent out with 16 Sail of Ships, to cruiſe upon the Coaſt, and in the Beginning of *Nov.* his Royal Highneſs the D. of *York*, whoſe Actions we are more particularly to recite, was conſtituted Lord High-Admiral of *England*, and ſoon after ſet out for *Portſmouth*, in order to take that Charge upon him: Soon after his Arrival he went on Board, and joined the reſt of the Ships, who by this Time were in a Readineſs, with thoſe under the Command of Prince *Rupert*, Admiral of the White, and *Sandwich* of the Blue: But the *Dutch* Admiral lay with his Fleet in the *Goree*, and could not come out (as they ſaid) becauſe of the contrary Winds; wherefore his Royal Highneſs finding the Seaſon far advanced, and the Beginning of *Dec.* come, and that the *Dutch* did not deſign to ſtir out that Winter, he thought good to lay up the great Ships, and leaving the E. of *Sandwich* with a Squadron to keep the Seas, he, with all his Retinue, on the 7th of the ſaid Month, arriv'd ſafely at *Whitehall*. Soon after this, the *Royal Catherine* and the *Royal Oak* were launched, and the *London*, by an unhappy Accident, happening to blow up, the Citizens made it their Requeſt to the King, that they might be permitted, at their own proper Charge, to build another of the ſame Name, which was granted them, and the ſame had the Epithet of *Loyal* added thereunto. Duke of *York* made Admiral.

All Things now ſeem'd to tend towards a Rupture, an Embargo was laid upon the *Dutch* Ships in the Ports of *England*, which was carried on ſo privately, that the *Engliſh* in their Ports had Notice from Sir *George Downing*, of the Seizure of their Veſſels; ſo that moſt of the *Engliſh* made their Eſcape home.

Now the 22d of *February* being come, open War was proclaim'd againſt the *Dutch*, and the King's Ships were impower'd to fight and deſtroy thoſe belonging to the *Dutch*, where-ever they ſhould meet them, and at the ſame time all *Dutch* Manufactures were prohibited, and The War proclaimed. 1665.

at

at the latter End of *March*, the Fleet being ready, their Admiral, the D. of *York*, went on Board his own Ship, and upon the Signal given, the whole Fleet weigh'd Anchor, ſtood off to Sea, and reſolved, ſince the *Dutch* Fleet did not appear, to bear for their Coaſt, viſit them in their Harbours, and fight them, if Opportunity offer'd: Accordingly he made for the *Texel*, with 114 Sail, within Five Leagues of which Place he came to an Anchor, while ſome of the Fleet ventured within Two Leagues of the Shore: In the mean time, 13 of the *Dutch* Ships, richly laden, were taken by ſome of our Men of War, ſent out of the Grand-Fleet by the Duke for that Purpoſe. Now the *Engliſh* Fleet being augmented by the Addition of Six Ships, to 120 Sail, and there being no Hopes of the *Dutch* Admirals coming out, his Royal Highneſs commanded to weigh Anchor, and ſtand off to Sea; after whoſe Departure the *Dutch* quickly put out, and ſeized upon ſeveral of the *Hamborough* Fleet, who not obſerving the Time of their coming out, miſſed of the Convoy that was ſent to meet them.

Thus Things ſtood till the 3d of *June*, when the Duke had Notice by a Frigat that was ſent out upon the Scout, that the whole *Dutch* Fleet was plying to the South-Weſt; whereupon a Council of War was called, wherein it was reſolved to engage them, if poſſible, with the firſt Conveniency; accordingly the whole Fleet ſailed, and in about an Hour's time came in ſight of the Enemy, who prepared for the Engagement, and bore down upon the Red Squadron, ſo that there began a ſharp Diſpute between them; his Royal Highneſs the Admiral was very briskly charged by the Enemy, who had ſo warm a Reception, that the *Zealander*, a *Dutch* Ship of 64 Guns, coming up to charge the *Royal Charles*, wherein his Highneſs was in Perſon, was ſunk by him, and others ſuſtain'd great Damage; but ſuch was the Chance of War, that the Earl of *Falmouth*, Lord *Muskery*, and Mr. *Boyle*, all Three fell at one Cannon-ſhot, near the Duke himſelf; at which the Fight was renewed with double the Fury; ſeveral of the Enemies great Ships coming up and endeavouring to grapple with the *Royal Charles* were much ſhatter'd by her Cannon, when in the Heat of the Engagement *Obdam*'s Ship, the *Dutch* Admiral, that carried 84 Guns, and 500 Men, was blown up, by a Shot which happen'd to fall into her Powder-Room, whereby the Admiral himſelf, and all that were therein periſhed.

Dutch Admiral blown up.

Thus

Thus the Fight continuing hot on all Sides, for the Space of Two Hours, ſeveral of the Enemies Fireſhips endeavour'd to grapple with our Admiral, but were either cut off or ſunk; and in the Hurly-burly, a ſtout *Dutch* Veſſel of 67 Guns came up Board by Board with her, but ſhe was ſo miſerably handled by her Cannon, that ſhe fell off, and was ſuddenly boarded by Capt. *Smith* in the *Mary*, who took her Captain, but ſhe being extreamly ſhatter'd with the Shot ſhe had receiv'd from the Admiral, and others that ſeconded him, ſunk; the like bad Succeſs the *Dutch* found in the Rear. So that now perceiving all Things went from bad to worſe, after Six Hours Engagement, they endeavour'd to clear themſelves, as having their Bellies full; but they could not effect it ſo well, than that ſeveral of their Ships were burnt and ſunk, and fired in their retreating; tho' at laſt the Night approaching, put a Stop to the Purſuit. The *Dutch* in this Fight ſuffered conſiderable Loſs; for beſides that of their Admiral, *Cortiners*, *Stillingwolf*, and *Stamp*, Three Flag-Officers, were killed, 18 of their Ships ſunk and taken, and about 2063 made Priſoners, of which 13 were Commanders; and for their Slain, they were adjudged to be Four to One *Engliſh*, and all this only with the Loſs of One inconſiderable Ship, named the *Charity*, that had been formerly taken from the *Dutch* as a Prize: The Slain on the *Engliſh* Side (beſides thoſe before-named) of Note, were the Earls of *Portland*, and *Marlborough*, the laſt, tho' Admiral in the Reign of *Charles* I. yet died here a private Captain, Admiral *Sanſon* was alſo killed, and the brave Vice-Admiral *Lawſon* was mortally wounded, and died not long after.

Dutch beaten by the *Engliſh*.

In Memory of this glorious Action, there was the following Medal ſtruck.

Of the Duke's Effigies in Buſt, clad in a *Roman* Mantle, with theſe Words round it:

Jacobus Dux Ebor. & Alban. Domn. Magn. Admiralius Angliæ, &c.

The



The Reverſe repreſents the Admiral and whole Fleet in Conflict, with theſe Words: *Nec Minor in Terris*, 3 *June*, 1665.

Upon

Upon the ſame Action we have this other no leſs glorious Medalion, with the Duke in Buſt, ſhort Hair, &c. The Inſcription thus: *Jacobus Dux Ebor. & Alban. Frater Auguſtiſſ. Caroli* II. *Regis.*



The

The Reverſe is a Trophy and Ships in Fight, with theſe Words, *Genus Antiquum.*

But to return to the Conſequences of this famous Naval Fight and Victory; the *Dutch* were ſo ſhatter'd, that there was no Fear of their ſtirring abroad this Year, and therefore his Royal Highneſs leaving the Fleet under the Command of the renown'd Earl of *Sandwich* (who perform'd Wonders in the Fight) after he had given all neceſſary Orders for the Management of it, return'd to *Whitehall*, where he was joyfully received by the King and Court.

Here we might purſue the Paces of this Naval War to the final Concluſion of it at *Breda*, on the 9th of *July*, 1667. but his Highneſs going no more to Sea, during the Courſe thereof, we ſhall no farther meddle therewith; wherefore meeting with nothing very matterial, in relation to his Perſon, Actions or Family, till the Year 1670. we are then to obſerve, that about the Beginning of *April* the Dutcheſs of *Orleans* arrived at *Dover*, to viſit her Two Brothers, the King and the Duke of *York*, and was ſuppoſed to have been an Inſtrument with them both, to contribute towards the Diſſolution of the Triple League, between *England*, *Holland* and *Sweden*; however, ſhe did not ſurvive to ſee the dreadful Effects of it, for ſhe died ſoon after her Return into *France*, and her Exit was as obſcure, as the Deſign ſhe came for into *England* then remain'd. And as this Year had proved fatal to the Princeſs Royal, the Beginning of the next did ſo too to his Royal Highneſs's Conſort, *Ann*, Dutcheſs of *York*, who was interr'd with great Solemnity in K. *Henry* VII's Chappel, moſt of the Nobility and Perſons of Quality attending at her Funeral Obſequies. She was a Lady of great Vertue in the main; it was her Misfortune, rather than any Crime, that ſhe had an extraordinary Stomach, but much more that ſome time before her Death ſhe ſhould be deluded to forſake the true Religion, wherein ſhe had been educated, and embrace the groſs Superſtitions of the Papacy, wherein the Duke, tho' he had not yet declared himſelf openly, was ſuppoſed to have had no ſmall Influence; and it had been well for him and the Nation too, he had proceeded no farther.

1670. Dutcheſs of *Orleans* Death.

Dutcheſs of *York*'s Death.

But not to anticipate ſo ungrateful a Subject, the Diſſolution of the Triple League brought *France* and *England* to conſpire the Deſtruction of the *Dutch*; I will not ſay

ſay his Royal Highneſs was the main Agent therein, but undoubtedly they had his hearty Participation and Concurrence: But let who will be engaged, the Breach with the States was begun in our falling upon their *Smyrna* Fleet without any Provocation, or previous Declaration of War, which all juſt Princes ought to make; but tho' the *French*, how baſe ſoever their Pretenſions were, throve at firſt mightily at Land againſt that diſtreſſed People, it proved otherwiſe with us by Sea in this War, which, as the Grounds of it were nothing ſo juſt as the former, it met with Events ſuitable thereunto, and his Royal Highneſs was to bear his Share in it, as Lord High-Admiral: Wherefore the *Engliſh* Fleet having put out to Sea, under his Command, were joined by the *French*, who allow'd the *Engliſh* the Poſt of Honour, which was the Red Flag, they contenting themſelves with the White, and on the 28th of *June* rode at Anchor in *Sould-Bay*, the Wind being at N. E. at which Time the Flag-Officers ſpent the Day in Feaſting, Drinking, and other Jollities, as, in Imitation of them, the other Captains went on Shore to *Alborough*, *Dunwich* and *Sould*, to ſacrifice, as the reſt did, to *Ceres* and *Bacchus*; but the E. of *Sandwich*, in the midſt of all their Jollities, being not unmindful of the Danger they were in, inform'd the Admiral, that as the Wind ſtood the Fleet rode in Danger of being ſurprized by the Enemy, and therefore he thought it adviſeable to weigh Anchor, and get out to Sea; but the Duke was ſo far from taking Notice of it, that he ſeem'd on the contrary to reflect upon the Earl, as if what he had offer'd had proceeded out of Fear; however this was in Reality, it was a fatal Miſtake in their not getting out to Sea as ſoon as poſſible; for about Two in the Morning of the 29th of *June*, when the Scout-Ships gave Notice, that the *Dutch* Fleet was approaching, both the *Engliſh* and *French* were much ſurpriz'd, as well they might, for they had not Time to weigh their Anchors, and therefore they were neceſſitated to cut their Cables, to avoid being burnt by the Enemies Fire-Ships, and ſent their Long-Boats aſhoar to fetch their Officers, who had Time, as it happen'd, by a Calm that fell, which continued from Four in the Morning till Six, to get to their reſpective Ships, tho' not to draw themſelves up into Line of Battle; ſo that at laſt they came to this Order, That the *French* lay Southward in the Bay, the Duke's Squa-

Second *Dutch* War. 1672.

1672. Squadron in the middle, and the Earl of *Sandwich* to the North of him, who had the leaſt Sea-room to fight, as the *French* had the moſt.

Sould Bay Fight. Now the Wind being S. E. the *Dutch* came up and engaged the Fleets with great Bravery; the *French* at firſt ſhot furiouſly, but their Shot generally came ſhort, for the *Dutch* did not cloſe in with them, but with great Courage fell upon the Duke's Squadron, and yet more furiouſly upon the Blue, where they having Three to One, galled the *Engliſh* very much: Thus the Fight held till about Eleven, when the *French* by this Time might have weather'd the *Dutch*, and diſingaged the *Engliſh*, but did not: Now the Wind coming to the N. E. *Vaugent*, a *Dutch* Admiral, with ſeveral Men of War, whereof one lay croſs his Hauſier, ſorely diſtreſſed my Lord of *Sandwich*; when Sir *Joſeph Jordan*, Vice-Admiral of the Blue, who might have diſingaged the Earl, ſail'd up to the Red to the Duke's Aſſiſtance; ſo that here the Noble Earl, with his brave Ship the *Royal James*, that had 1000 Men on Board, of which 600 were ſlain upon the Deck, drew near their End, for the Ship at laſt being ſet on Fire, ſo that there was no Poſſibility of quenching it, the Earl retired to his Cabin, whither he was follow'd by Sir *Richard Haddock*, ſtill living; who, as I have been informed, was then Captain under him, and there finding him with his Handkerchief before his Eyes, told him the Danger, and adviſed him to put out the Boat, and ſave himſelf in Time, but he diſdain'd that, anſwering, *He ſaw how Things went, and was reſolved to periſh with the Ship*, which he did accordingly, with a great many Volunteer young Gentlemen, who deſerved a better Fate. In the mean time, the *Engliſh*, towards Two in the Afternoon, got the Weather-Gage of the Enemy, and then the Fight ended. The Perſons of Note loſt and kill'd in this Engagement, beſides the Noble Earl of *Sandwich*, were, Capt. *Digby*, in the *Henry*; Sir *John Cox*, in the *Prince*; and Sir *Freſcheville Hollis*, and M. *de la Rabinire*, a *French* Rear-Admiral; while the *Dutch*, on their part, loſt Admiral *Van Gent* and Capt. *Barkſhel*; beſides Two of their Fire-Ships ſunk, one by the E. of *Sandwich*, and the other by Sir *Edw. Sprag*; one taken and one burnt.

Earl of *Sandwich* loſt.

Next Morning after this bloody Fight, the Two Fleets were like to engage again; the Duke hoiſting up the bloody Flag, and bearing towards them, when on

a

a ſudden there fell ſuch a Miſt, that none could ſee a Ship's Length, and at the ſame time the Wind riſing, made the Sea grow high, then the *Dutch* making the beſt of their Way to their own Coaſt, the *Engliſh* ſtood after them, till the Duke, finding himſelf near the Oyſter-banks, tack'd about and ſtood away Four Leagues, then came to an Anchor, and ſo continued all Night, but about Ten next Morning, having no Hopes of ſeeing the Enemy, he ſtood away, and return-ed with the Fleet into our own Harbours; where, by reaſon of the far Advance of the Seaſon, part of them were laid up, while his Royal Highneſs return'd to Court, where he ſafely arrived, and had Leizure to think of another Wife.

There were ſeveral Propoſals made to him, and one towards a Match between him and the Dutcheſs of *Inſprug*, a great Fortune, but the Emperor happening to be-come a Widower in the *Interim*, he put in for her him-ſelf, and carried her: Wherefore his R. Highneſs being obliged to caſt his Eye another Way, at laſt pitched upon *Mary d'Eſte*, Siſter to *Francis*, then Duke of *Mode-na*, and Daughter of *Alphonſo d'Eſte*, of that Name, Duke of *Modena*, by *Laura Maneſſi*. There was no great Dif-ficulty in making up the Match, eſpecially upon the Lady's ſide, who muſt be allow'd to be much inferior in Quality to his Highneſs; and therefore ſhe was a-dopted a Daughter of *France*; and ſome time after, be-ing attended with a handſome Train of Nobility, both *Engliſh* and *Italian*, ſhe took Shipping for *England*, and landed at *Dover* about the latter End of *Nov.* this Year, where his Royal Highneſs met her with a great Re-tinue, and after many Expreſſions of his Princely Af-fections, they went for *Graveſend*, and from thence by Water for *London*, being met by the King himſelf, and divers of the Nobility, upon the River in Barges, and conducted to *Whitehall*; ſoon after which the Nup-tials were celebrated. Then they were conducted to St. *James*'s, where, within a few Days, their Royal Highneſſes gave Audience to the *French*, *Swediſh* and *Daniſh* Ambaſſadors, as likewiſe to the Reſidents of *Venice* and *Neuburg*, who all went to complement and congratulate them upon their Marriage: This done, their Royal Highneſſes took a Progreſs, and view'd ſe-veral Places famous for Beauty; and thus paſſed over this Year, wherein a ſecond Peace was made with the

Duke of *York* mar-ried. 1673.

1673. *Dutch*; but of this by the Way: Wherefore we are to take Notice before we go any farther, that there was a Medal coined upon this Eſpouſal of his Highneſs (tho' we meet with none of his firſt) which muſt not be omitted: Its true, it bears Date Seven Years after, however, it is not improperly mentioned here: It's the Duke's Effigies, *&c.* with theſe Words;

Jacobus Dux Eboracenſis.

The Reverſe is ----- her Head circumſcrib'd,

Maria Duciſſa Eboracenſis, 1680.



LXXI

Before we proceed any further, Notice muſt be taken, that the Hiſtory of the Duke's Courting divers Princeſſes, and of his ſecond Marriage at laſt, being related very briefly and imperfectly in this Place, we muſt refer the Reader to a full and particular Account of it in the * *Supplement*, taken from the very ſcarce, but Authentick Authority, of the Noble Lord that negotiated the whole; I mean, the late Earl of *Peterborough*, wherein there are ſundry Intreagues of State, and other Matters, worthy the Knowledge and Obſervation of the Curious.

About the Beginning of this Year her Royal Highneſs was ſafely delivered of a Princeſs, who was baptized at St. *James*'s by the Biſhop of *Durham*, and nam'd *Catharina Laura*, the Duke of *Monmouth* ſtanding Godfather, and the Ladies *Mary* and *Ann*, the Duke's Two Daughters by his firſt Wife, were God-mothers. 1674. Duke has a Daughter born.

We find nothing remarkable, and particularly relating to his Royal Highneſs, in the Two ſucceeding Years, till the 9th of *October* in this; at what Time *William*, Prince of *Orange* (having made ſome Overtures before in order to a Match between himſelf and the Lady *Mary*, the Duke's eldeſt Daughter) landed at *Harwich*, and paſſed from thence to *New-Market*, where the Court then was: He met with a kind Reception, both from the King and the Duke; but the Prince was not willing to enter upon any Meaſures about Foreign Affairs, till he had ſeen the young Princeſs, which was the principal Cauſe of his coming over; hereupon the King complaiſantly enough, to gratifie his Humour, left *New-Market* ſome Days ſooner than he intended, and came to *London*, where the Prince was admitted to the Sight of the Lady, who at firſt View extreamly pleaſed him, and finding all Signs of good Humour in her, anſwerable to the Deſcription he had had of her by Sir *William Temple* and others, he immediately made his Suit to the King and Duke, which was well received and aſſented to, but upon Condition, that the Peace, which was then in Agitation at *Nimeguen* between the Confederates and *French*, ſhould be firſt agreed to. To which the Prince replied, *He muſt end* 1677.

* *See Supplement.*

1677. *his firſt Buſineſs before the other*; but the King and Duke ſtood firm to their firſt Propoſitions; the Unreaſonableneſs whereof the Prince endeavour'd to demonſtrate, by alledging, *the Confederates would be apt to believe, he had made that Match at their Coſt*; and proteſted, *that for his part he would never ſell his Honour for a Wife.* Notwithſtanding this, the King and Duke ſtood firm to what they inſiſted upon, till at laſt Sir *William Temple* happening to go to the Prince one Evening after Supper, he found him in a very ill Humour, but after ſome Complements and promiſcuous Diſcourſes had paſſed (of which the Prince was very ſparing) he ſaid, He reſolved to ſtay but Two Days longer in *England*, and that it repented him he had ſet a Foot upon *Engliſh* Ground, after the King reſolved to inſiſt upon the Terms of the Peace before the Match, upon which depended either the greateſt Amity, or greateſt Enmity between them for the future. This ſaid, the Prince deſired Sir *William* to acquaint the King therewith next Morning, and to give him an Account of what he ſhould anſwer thereupon. Sir *William* acquainted the King accordingly, and farther told him of the ill Conſequences which might ariſe from a Breach between them, conſidering how ill the late Meaſures with *France* were digeſted by many of his Subjects, and the Reſpect they had for the Prince. When Sir *William* had done, the King ſaid, *Well, I was never deceived in judging of a Man's Honeſty by his Looks, and if I am not miſtaken in the Prince, he is a very honeſt Man; he ſhall have his Wife; go and tell my Brother ſo.* Sir *William* having gone accordingly; the Duke at firſt was ſurpriz'd, but made no Heſitation to obey his Majeſty's Commands, and wiſh'd *that all the King's Subjects were as obedient as he was.*

After this, Sir *William* went to the Prince, and having acquainted him with what had paſſed between the King, Duke and himſelf; the Prince in the Beginning ſeem'd to doubt of the Matter, but ſoon after embraced Sir *William*, and told him, *He had made him a happy Man.* The Match was declared at the Committee that Evening, before any other at Court knew any thing of the Matter, and within Two or Three Days after, the Nuptials were celebrated, to the great Joy and general Satisfaction of all Perſons well affected, more particularly to the Proteſtant Intereſt. Much

Lady *Mary* married.

abou

about the ſame time the Dutcheſs of *York* was brought to Bed of a young Prince, who as ſoon as born was entituled Duke of *Cambridge*, but he did not long ſurvive; and therefore, to return to the Prince and Princeſs, in the Month of *December*, when they had taken Leave of their Majeſties and their Royal Highneſſes, they embark'd for *Holland*, where we leave them, and the Remainder of this Year to run out, and proceed to the next, wherein we find the Popiſh-Plot detected, and confirm'd by divers Witneſſes to be a Deſign againſt the Life and Perſon of the King, Proteſtant Religion and Eſtabliſh'd Government, carried on by the Jeſuits, and others in the Popiſh Intereſt: It would be hard to ſay there was nothing in all the Contrivance, but however it were, it look'd as if nothing had been ſo contriv'd, managed and digeſted, with any juſt Proſpect of bringing their Ends to bear. I remember there were ſtrange Things flew about in thoſe Times; it was in every Body's Mouth, that the Duke was at the Bottom of it, nay, Queen *Catherine* muſt have a Hand in the Murther of her Husband (ſo furious would ſome have the Zeal of the Papal Spirit at this Time) however, thus much I am neceſſitated to ſay, that the criminal Correſpondence maintain'd by *Coleman*, his Dutcheſs Secretary, with the *French* Court, had no ſmall Influence on his Highneſs's future Trials and Misfortunes. 1677. 1678.

The King having diſſolved his long Parliament on the 25th of *Jan.* this Year, and the ſame Day iſſued out Writs for a new one, to meet at *Weſtminſter* on the 6th of *March* following; the Houſes ſate accordingly, when the Commons began to examine into the Popiſh-Plot, with the dangerous Conſequences that might happen in Reference to the Duke of *York*'s Succeſſion to the Crown, he being a Papiſt (as indeed by this Time every body reputed him to be, notwithſtanding his ſo many Years Conformity to the Rights of the Church of *England*) and therefore they made an Addreſs to the King that the Duke would withdraw from his Perſon and Preſence; in Compliance with which, the King, by the following Letter, commanded him to go for *Holland*. 1679.

King *Charles*'s Letter to the Duke.

I Have already given you my Reſolve at large, why I think it fit that you abſent your ſelf for ſome time beyond the Seas; as I am truly ſorry for the Occaſion, ſo

1679. 'ſo may you be ſure, I ſhall never deſire it longer than 'it ſhall be abſolutely neceſſary for your Good, and my 'Service. In the mean time, I think it proper to give 'it you under my Hand, that I expect this Compli- 'ance from you, and deſire it may be as ſoon as con- 'veniently you can. You may eaſily perceive with 'what Trouble I write this to you, there being no- 'thing I am more ſenſible of, than the Kindneſs you 'have ever had for me. I hope you are as juſt to me, to 'be aſſured, that no Abſence, nor any thing elſe, can 'ever change me from being truly and kindly,

Yours,

CHARLES R.

Duke goes for *Holland.*

His Highneſs, in Obedience to his Majeſty, on the 25th of *Sept.* went, with his Dutcheſs and Family, in his Barge down to *Woolwich*, and there embark'd on the *Mary* Yacht, in order to his Paſſage over for the *Hague*, where in Four Days he ſafely arriv'd, and was complemented by his then Highneſs the Prince of *Orange*, late King of *England*; from thence he journey'd for *Bruſſels*, and was likewiſe honourably received by the Governour of the *Netherlands*: In the mean time, the King his Brother made choice of a new Council, which conſiſted of many worthy Members, and the Preſident was that ſhrewd Stateſman, and no Friend to his Highneſs, *Anthony*, Earl of *Shaftsbury*; and the Commons in Parliament made the following Vote, *Nemine Contradicente*, *That the Duke of* York *being a Papiſt, the Hopes of his coming as ſuch to the Crown had given the greateſt Countenance and Encouragement to the then Conſpirators, and the Deſigns of the Papiſts againſt the King and the Proteſtant Religion.* The King, who did not very well reliſh any Proceedings that tended to the Diſreputation of his Brother, and at the ſame time finding his Parliament very ſlow in raiſing him Money, Prorogued them on the 27th of *May*, to the 14th of *Auguſt*; and upon the 12th of *July* Diſſolved them: His Majeſty ſome time after falling ill at *Windſor*, the Duke of *Monmouth* doubled the Guards, and appear'd very forward in the Management of all Things to his own Advantage in that Conjuncture; but his Royal Highneſs was no ſooner informed of his Brother's Indiſpoſition, than

tha

that he haſten'd for *England*; the Conſequence whereof was the Diſgrace of *Monmouth*, and his Exile into *Holland*, where he made no long Stay neither. 1679.

In *Nov.* following his Majeſty ſent his Royal Highneſs into *Scotland*: but now that we have mentioned this Country, it will not be amiſs in this Place to look a little back to the Inſurrection made there, becauſe it was at leaſt partly in Appearance the Cauſe of his being ſent thither, for the better Settlement of that Kingdom, and the Prevention of the like for the future. Upon the 3d of *May* this Year, Dr. *Sharp*, Archbiſhop of St. *Andrews*, was aſſaulted and moſt barbarouſly murther'd by *John Balfour*, *David Hackſton*, *George Balfour*, *James Ruſſel*, *Robert Dingwall*, *Andrew Guilland*, *Alexander Henderſon*, *Andrew Henderſon* and *George Flemming*: That which induced them to this Barbarity was, that the Doctor, before the King's Reſtoration, was a great Zealot for the Presbyterian Government, but having ſince complied with Epiſcopacy, nothing would ſatisfie their Reſentment, but the Murthering of him; however, this was but a Prelude to what follow'd; for on the 29th, about 80 of the Covenanters rendevouzing at *Rangland*, burnt divers Acts of Parliament made againſt them, and for the Eſtabliſhment of Prelacy, ſince the Year 1660. and having on the 3d of *June* drawn together 1500 Men, on *Loudon-Hills*, under the Command of *Wyer*, and *Robert Hamilton*, they marched and took *Glaſcow*, where they put forth their Proclamations, and committed ſuch rude Actions as did not at all ſuit with the Sanctity they pretended to and ſtood up for. Rebellion in *Scotland*

In the mean while, the Council were not idle, but raiſed what Force they could, and the King having Information, diſpatched the Duke of *Monmouth* into *Scotland*, to command the Forces againſt them, and he made ſo much Haſte thither, that on the 23d of *June* he had his Army drawn up near *Bothwell-Bridge*, to give them Battle; they made ſome fruitleſs Overtures to him of Submiſſion, but at laſt, having ſent them Word he would receive no more Meſſages from them, he immediately fell on, ſoon defeated and totally routed them; ſo that all Things were quickly reduced to ſome State of Tranquility in that Kingdom; and ſo his Royal Highneſs found it when he arrived there, as aforeſaid. He got as far as *Berwick* by the 20th of *Nov.* ſet forward next Day from thence, and was on the Borders of the Duke goes to *Scotland*.

1679. Two Kingdoms, received by the King's Troop of Guards, commanded by the then Lord Marqueſs of *Montroſs*, and at ſome Diſtance further, the Lord Chancellor, with a great many other Lords of the Privy-Council, accompanied with a great Train of Nobility and Gentry, met and welcomed him into that Kingdom. At the Meeting of this Train, the Duke alighted out of his Coach, and ſtood uncovered till they had all kiſſed his Hand, and then he and his Dutcheſs, attended with the ſaid Company, continued their Journey to the Duke of *Lauderdale*'s Houſe, at *Leithington*, where they were ſplendidly entertain'd, and from thence ſome time after they made their Entry into *Edinburgh*, with a great deal of Pomp and Solemnity: The *Scotch* Privy-Council ſeem'd very well pleaſed with the Duke's Appearance among them, as appears by a Letter of theirs to the King, dated *December* the 11th, which is as follows:

Scotch Council's Letter to K. Charles.

May it pleaſe your Majeſty,

'AMidſt thoſe Confuſions we have felt amongſt our ſelves, and heard of amongſt your Majeſty's other Subjects, nothing could have rejoyced us ſo much, in your neceſſary Abſence, as the Happineſs of having your Royal Brother amongſt us, who have not for many Years ſeen any of the Royal Family amongſt us in this your ancient Kingdom, and as he will certainly be a Pattern of our Loyalty to imitate, ſo he will, we hope, be a Witneſs of our Sincerity, in our Submiſſion to all your Commands, and Adherence to all your juſt Rights, being no leſs our Intereſt than our Duty, no *Scotch* Man being an Enemy to his Monarch, till he be one firſt to his Country and himſelf, nor can we fear, that (under the Influence of one of our 109 Kings) any conſiderable Number amongſt us can be again perſwaded, by malicious Impoſtors, that we have Occaſion to fear Arbitrary Government under you, becauſe we will not ſubmit to it under them, who would bring upon us greater Miſeries than thoſe they pretend to wiſh us to ſhun, and would practiſe in this Age the Rebellion they learned in the laſt. Our going to attend your Royal Brother as far as our Borders would allow us, and our receiving him with all the Marks, and to all the Degrees of that Reſpect and Eſteem that we were capable to expreſs, were a

ſmall

'ſmall part of Duty we owe your Majeſty, and of the 1679.
'Eſteem that is due to his Merit, whoſe Courage will
'add Vigour, and whoſe Advice will add Stedfaſtneſs
'to the Reſolutions that are neceſſary for your Service:
'And therefore we acknowledge the ſending his Royal
'Highneſs to reſide here, and the ordering he ſhould
'aſſiſt in your Majeſty's Councils, by your gracious
'Letter of the 30th of *Nov.* laſt, to be new Marks of
'your Protection and Kindneſs for this your ancient
'Kingdom, and as all of us wiſhed for this Happineſs,
'with a Zeal ſuitable to the Greatneſs of this Occaſion,
'ſo we now return your Majeſty for it our moſt hum-
'ble and hearty Thanks.

The Duke continued in *Scotland* till the latter End of 1680.
February this Year, at which Time, being accompanied with his Dutcheſs, and other Retinue, he embark'd on the Yacht, commanded by Capt. *Gunman*, and ſafely arrived at *Whitehall*, where, ſome time after, Sir *George Jeffreys*, Recorder of *London*, by his Majeſty's Permiſſion, in the Name of the Lord-Mayor and Aldermen of the City, did congratulate their Royal Highneſſes happy Return, and in a florid Speech gave the Duke Aſſurance of the Affection of that Court to him, and the Loyalty of the City, and begged the Continuance of his Favour towards them, which the Duke aſſured them of; after which, the Lord-Mayor, Aldermen and Common-Council-Men there preſent kiſſed his Hand. On the 9th of *March* following, the King and the Duke did Sir *Robert Clayton*, then Lord-Mayor, the Honour to Sup with him at his Houſe in the *Old Jury*; the King and Duke as they paſſed, having a Lane made for them by the Train'd-Bands upon the Guard, from *Cheapſide* to his Lordſhip's Houſe, where the ſaid Lord-Mayor, accompanied with ſeveral of the Aldermen and Two Sheriffs, received them at the Gate, amidſt the Shouts of the People; next Morning the Lord-Mayor and Sheriffs went to *Whitehall*, and waited upon the King and the Duke, to return them their moſt humble Thanks for the great Honour they had been pleaſed to do them the Day before.

Jeffrey's Speech to the Duke of *York*.

But how well ſatisfied ſoever ſome of the Citizens ſeemed to be with the King and his Brother, the Houſe of Commons, who met on the 21ſt of *October*, did not appear ſatisfied with the State the Nation was in, eſpecially

1680. cially upon Account of the Duke's Religion: The King's Speech to them imported, *That the ſeverel Prorogations he had made, afforded no ſmall Advantage to our Neighbours, and was no leſs uſeful to him; for during that Time, he had made an Alliance with* Spain, *of the ſame Purport as that made before with the States of the* United-Provinces, *as alſo they had with* Spain, *conſiſting of mutual Obligations of Succour and Defence; That he deſired Supplies of them for the Relief of* Tangier, *which had already exhauſted his Purſe; That he would not have them meddle with the Succeſſion of the Crown in the Right Line, but proceed in the Diſcovery of the Plot, and the Tryal of the Lords.*

King *Charles*'s Speech to the Parliament.

'Tis ſtrange that the King ſhould hint any ſuch Thing as the Succeſſion to them; it had been enough to have put them upon it, if they had not thought of it before, but the Commons were ſtrongly diſpoſed to intermeddle with that Matter, and therefore they thought it moſt expedient, in the firſt place, to provide for the Security of the Proteſtant Religion, now in imminent Danger to be ſubverted by the Popiſh Party, countenanced by the Duke of *York*'s being of the *Romiſh* Perſwaſion; and to lay the Axe (as they thought) to the Root of the Tree, the firſt Thing they touched upon was, a *Bill to Exclude* James, *Duke of* York, *from ſucceeding to the Crown of* England; but, to be ſomewhat more particular on the Arguments of the Commons *pro* and *con* on this Head, we are to obſerve, that the firſt that ſpake to it was the late unfortunate *William* Lord *Ruſſel*, Father to his Grace the now Duke of *Bedford*, and he delivered himſelf to this Effect; 'That ſeeing, 'by God's Providence and his Majeſty's Favour, they 'were aſſembled, to conſult and adviſe about the great 'Affairs of the Kingdom, it would be moſt conducive 'to begin with that which was of moſt Conſequence 'both to the King and Country; it was his Opinion, 'that the Life of the King, the Safety of the Nation 'and the Proteſtant Religion, were in great Danger 'from Popery; and that either that Parliament muſt 'ſuppreſs the Growth and Power thereof, or elſe Popery would ſoon deſtroy not only Parliaments, but all 'that was near and dear to them; therefore he humbly 'moved they might, in the firſt place, take into Conſideration how to ſuppreſs Popery, and prevent a Po'piſh Succeſſor. Sir *Henry Capel*, after the Ice was broke

L. *Ruſſel*'s Speech about the Bill of Exclusion.

broke, ſeconded the Motion, and ſpoke more cloſe to the Point, relating how the Popiſh Party made it their utmoſt Endeavours, by their Diabolical Councils, to weaken the Proteſtant Intereſt, in order to a general Deſtruction of it, by engaging us in a War againſt *Holland*, as alſo dividing our Fleet under Prince *Rupert* and General *Monk*, with a Deſign to deſtroy them, as well as our Navy at *Chatham*; how, when the City of *London* was burnt in 1666. that thoſe who were taken in carrying on that wicked Work, were generally diſcharged without Trial; and that one Papiſt who had confeſſed that he and others had ſet the City on Fire, were hang'd in great Haſte, and ſo the Buſineſs was huſh'd up as compleatly as the late Plot (meaning the Popiſh one) was likely to be then, they branding *Hubert*, and ſuch as had made Confeſſion, with Madneſs. He added farther, That they cauſed the Violation of the Triple-League, and ſacrificed the King's Honour to the *French*, not only by making ſtrong Alliance with them, but by ſeizing the *Dutch Smyrna* Fleet, and then afterwards proclaiming War againſt them, which War was continued to the Ruine of both Nations: For the *French* proved but Spectators only, as they had done by the *Dutch* in 1665. How the Papiſts in *Ireland* (againſt the fundamental Laws of that Kingdom) were diſpenced with to wear Arms, to the great Danger, as well as Prejudice of the Proteſtants there: That the Government of *Scotland* was quite alter'd, the Uſe of Parliaments there being in a manner aboliſh'd, and the Government of that Kingdom lodg'd in a Commiſſioner and Council, beſides an Army of 20000 Men ſettled: All Endeavours uſed to divide the Proteſtant Intereſt, and to encourage the Popiſh, who were emboldned to act any thing, contrary both to Law and Reaſon, by Help of the Duke of *York*, in Hopes of having him for King. Thus they were encouraged by the *French* Ambaſſador too, who by his frequency at Court, ſeemed to be rather one of the Family and the King's Houſhold, than a Foreign Ambaſſador; and by his Egreſs and Regreſs to and from his Majeſty, rather a Prime Miniſter of State of this Kingdom, than a Councellor to another Prince: And the Truth of all had been confirm'd by *Coleman*'s Letters. Then he concluded, that all theſe Irregularities and Enormities proceeded from the Popiſh Party, ſupported by the Duke

1680. Sir *Hen. Capel*'s Speech.

1680. Duke of *York*; therefore it was high time to think of ſome effectual Expedient to prevent Popery and a Popiſh Succeſſor.

Several other Members ſpoke to the ſame Effect, with a farther Enumeration of Miſmanagement of the Affairs of the Kingdom, occaſion'd by the Papiſts and their Agents. I do not find one Member vindicated the Duke, or ſpoke in his Behalf, till the Houſe came to a Reſolve, That it was their Opinion they ought in the firſt place to proceed effectually to ſuppreſs Popery and a Popiſh Succeſſor; after which Col. *Titus*, on the 2d of *Nov.* ſtood up in his Place, and ſpoke to this Effect: 'I have obſerved from the Reports that have been read; and all the Evidence that I have heard of about the Popiſh Plot, that it had its Original, as you have Voted, from *James*, Duke of *York*, and it is not probable, in my Opinion, that the Popiſh Intereſt can ever decline, as long as there is a Popiſh Succeſſor, and they have ſuch Hopes of his coming to the Crown; and therefore I humbly intreat, that a Committee may be appointed to draw up a Bill to diſable *James*, Duke of *York*, from inheriting the Imperial Crown of this Realm. The Lord *Ruſſell* ſeconded this Motion, in the following Manner: 'Sir, If we conſider the Train of ill Conſequences that attend our having a Popiſh Succeſſor, and the certain Miſeries that muſt fall on this Nation, if ever we ſhould have a Popiſh King, and how impoſſible the One, or improbable the Other can be prevented, but by diſinheriting the D. of *York*, I think that as we cannot diſagree, as to the Sadneſs of our Condition, ſo it will be hard to find out any other Way to ſecure us; therefore I move, as the worthy Member before. Mr. *Harbord* ſpoke for the Bill alſo, arguing the Neceſſity of it, from the great Influence the Duke and his Party had upon the King, that Peace, War, Foreign Alliances, Meetings, Diſſolutions, and Prorogations of Parliaments, Tryals at *Weſtminſter-Hall*, Reſolutions in Council, and other Things of Importance, had been influenced by a Popiſh Party and Intereſt; and to particularize, ſome who had the Exmaination of the Plot, in which the King's Life and the Safety of the Nation was ſo much concerned, had been kept off to Admiration, and the Witneſſes diſcouraged even to deſpair; all proceeding from no leſs a Perſon than the Duke, for whoſe Perſon

Col. *Titus*'s Speech.

L. *Ruſſell*'s Speech.

ſon he had no ill Will, but rather a great Veneration, as deſcended from the Royal Family, but (as he thought) it ought not to ſtand in Competition with his Duty to the King and Country, which could never be ſafe ſo long as By-Intereſt was ſo predominant; therefore he was for a Committee to bring in a Bill, &c. 1680.

On the contrary, Mr. *William Granvill* ſpoke, that he was conſcious of the Danger of Popery, yet he hop'd that the Prudence of the Houſe might find out ſome Expedients to ſecure the Nation, without the Bill of Excluſion; arguing that the King had at the Opening of the Seſſions declared, that he would conſent to any thing that ſhould be offered for the Proteſtant Religion, provided it conſiſted with the preſerving the Succeſſion in the due legal Courſe of Deſcent; and to proceed in the Bill propoſed, would be a Means to diſoblige the King, and interrupt all other Affairs, which might at that Time be very unfortunate to the Nation, and our Neighbours too. He thought it was moſt adviſeable, inſtead of ordering a Committee to bring a Bill to diſinherit the Duke, to bring in a Bill for baniſhing all Papiſts out of the Nation, and other Bills for having of frequent Parliaments, and to ſecure good Judges aad Juſtices. He humbly moved, that they might try thoſe Ways, and not proceed with ſuch Severity againſt the Duke, ſeeing it was not conſiſtent with Juſtice to paſs ſuch a ſevere Sentence upon the Duke, that had not been either heard or found guilty. Mr. *Granville*'s Speech againſt the Bill.

To theſe Objections Sir *Henry Capel* and Col. *Titus* ſpoke ſucceſſively: As to the firſt, that to proceed contrary to the King's Reſolution, as he had declared in his Speech, not to conſent to the altering the Succeſſion from its legal Courſe of Conſent, was not inconſiſtent to Law, nor void of Preſident; for the King called his Parliament to give Advice, and they could not therein be reſtrained, but might give any Advice which they thought neceſſary for the Security of his Perſon and Government; and it had often times happen'd, that Parliaments before now had offered ſuch Advice to the Kings of this Nation, as had not been grateful to them at firſt, and yet after mature Deliberation had been well reſented, and found abſolutely neceſſary: As when *Clifford* (or who elſe it was) had perſwaded his Majeſty to grant a Toleration, in the Year 1672. and to tell the Parliament in his Speech made to them, that he would Sir *Henry Capel* for the Bill.

1680. would ſtand by it, and make it good; yet that Houſe of Commons finding it of dangerous Conſequence, and humbly offering ſuch their Advice to his Majeſty, he was pleaſed, notwithſtanding the ſaid Speech, to cancel the ſaid Declaration. *2dly*, As to the Baniſhment of the Papiſts, and not exclude the Duke, it would not be ſufficient for the Security of the Proteſtant Religion; for Popiſh Princes had thought themſelves bound by many Laws againſt the Intereſt of that Church, and our Forefathers had found, to their Sorrow, that the Strength of our Laws were not ſufficient to defend them againſt Popiſh Tyrants; for no Prince of that Religion ever yet thought (as the Duke would, if he ſhould come to the Crown) himſelf bound to keep Faith with Hereticks, as Queen *Mary* had put the Crown of Martyrdom on the Heads of them that put the Crown of Dignity on hers.

Mr. *Hide* againſt the Bill.

Next ſtood up Mr. *Hide*, now Earl of *Rocheſter*, and declared himſelf againſt the Bill, and was for a Committee of the whole Houſe, that ſuch as were for Expedients might have more Freedom to debate, he declar'd that he was concerned for the Juſtice of the Houſe, to offer a Condemnation, without hearing the Perſon condemned, or had any proceeding Proceſs: He queſtion'd (in caſe they excluded him) whether the Excluſion-Bill would be binding to him, or a great many other Loyal Perſons of the Nation, and if it might not occaſion hereafter a Civil War. Farther he pleaded, that the King might very well out-live the Duke, and then all that they were about would be unneceſſary; and why ſhould they, to prevent that which might never happen, attempt to do that which they could never anſwer, either to the King or Country? He did not apprehend that the Cauſe was ſo deſperate, but that they might ſecure themſelves ſome other way, without over-turning Foundations: He would not fear a General without an Army. Sir *Lionel Jenkins* backed Mr. *Hide*, ſhewing, that Expedients were more elligible than Extremity, and that he looked on the Bill to be the greateſt Extremity imaginable, and the Paſſing of it to be againſt both Law and Conſcience, and that nothing leſs than an Army could be neceſſary to ſupport it. Therefore he humbly conceived, *That the Tryal of Expedients might be made, for it was time enough to proceed to Extremity, when all the Ways and Means were found inſufficient.*

Sir *Leonel Jenkins* againſt the Bill.

In

In anſwer to what was ſpoke by the Two Perſons laſt mention'd, Mr. *Thomas Bennet* ſtood up and ſpoke, That he admired to hear any one doubt the Legality of the Bill, and Legiſlative Power, ſaid he, is unbounded, and we may offer to the Lords, and ſo to his Majeſty, what Bills we think good, and it can as little be doubted, that the Legiſlative Power of the Nation, King, Lords, and Commons, ſhould want a Law to make Laws; or that any Law ſhould be againſt what Laws they make. And as he thought it could not be againſt Law, ſo neither againſt Conſcience, unleſs it could be made out, that we ought in Conſcience to bring in Popery. He ſhould be very glad to hear any Arguments to make good what had been offered about Expedients, but was afraid when they came to be examined to the Bottom, they would be found very inſufficient, and that they might as well think of catching a Lion with a Mouſe-Trap, as to ſecure our ſelves againſt Popery by any Laws, without the *Excluſion Bill*: That thoſe they were to deal with could not be bound by any Law or Contract whatſoever; much leſs could their Words or Promiſes be depended on: Did they ever keep any League or Contract that was made with Proteſtants, longer than was neceſſary, in order to cut their Throats? And if Laws cannot bind inferior Perſons, much leſs will it Princes of the Catholick Religion. Some argue, that our Laws are needleſs at this Time, becauſe the King may out-live the Duke, which is as much as to ſay, *There is no need of Laws againſt Popery, until we ſee whether we ſhall have Occaſion to make uſe of them or no.* But they do not tell us, how we ſhould be ſure then to obtain them. As to what was objected againſt Law, and would endanger therefore a Civil War; he anſwered, That for his Part he never feared a Civil War in favour of Idolatry, eſpecially when we had gotten a Law on our ſide to defend our Religion. 1680. Mr. *Bennet* for the Bill.

Mr. *Edward Seymour* (now Sir *Edward*) having ſomething to offer, ſtood up and ſpoke in the following Manner: 'Sir, I muſt confeſs that I am very much 'againſt the bringing in of this Bill; for, I think, it is 'a very unfortunate Thing, that whereas his Majeſty 'hath prohibited but one Thing only, that we ſhould 'ſo ſoon fall upon it. I cannot ſee there is any Cauſe 'why we ſhould fear Popery ſo much, as to make us 'run into ſuch an Extream; we are aſſured there can Mr. *Seymour* againſt the Bill.

'be

1680. 'be no Danger during his Majeſty's Life; ſo upon an 'impartial Examination, we ſhall find there can be no 'great Reaſon to fear it after his Death, tho' the Duke 'ſhould out-live, and ſucceed him, and be of that Re-'ligion: Have we not had great Experience of his Love 'to this Nation? Hath he not always ſquared his Acti-'ons by the exacteſt Rules of Juſtice and Moderation? 'Is there not a Poſſibility of being of that Religion, 'and not of the Church of *Rome*? Hath he not bred 'up his Children in the Proteſtant Religion, and ſhew-'ed a great Reſpect for all Perſons of that Profeſſion? 'Would it not be a dangerous Thing of him (I mean 'in Point of Intereſt) to offer at any ſuch Alteration of 'the Religion eſtabliſh'd by Law? Can any Man ima-'gine that it can be attempted without great Hazard 'of utterly deſtroying both himſelf and his Family? 'And can ſo indiſcreet an Attempt be expected from a 'Prince ſo abounding in Prudence and Wiſdom? But 'tho' we ſhould reſolve to have no Moderation in our 'Proceedings againſt Papiſts, yet, I hope, we ſhall have 'ſome of our ſelves. It cannot be imagin'd that ſuch 'a Law can bind all there are in *England*, any in *Scot-'land*; and it is diſputed whether it will in *Ireland*: 'So that in all Probability it will not only divide us 'among our ſelves, but the Three Kingdoms one from 'another, and occaſion a miſerable Civil War: For it 'cannot be imagined that the Duke will ſubmit to it, 'and to diſinherit him for his Religion, is not only to 'act according to the Popiſh Principles, but to give 'Cauſe for a War, with all the Catholick Princes in '*Europe*; and that muſt occaſion a ſtanding Army, 'from whom there will be more Danger of Popery 'and Arbitrary Government, than from a Popiſh Suc-'ceſſor, or a Popiſh King. Sir, it is very agreeable to 'the Weight of the Matter, and the uſual Proceed-'ings of this Houſe, that this Buſineſs ſhould be fully 'debated; and therefore I humbly move it may be in 'a Committee.

Sir *William Jones* for the Bill.

In Anſwer to this, Sir *William Jones* ſpoke to this Effect; 'Sir, I am of Opinion that Expedients in Politicks 'are like Mountebank-Tricks in Phyſick; as the one 'does ſeldom Good to Bodies Natural, ſo nor the other 'to Bodies Politick. Government is a weighty Thing, 'and cannot be ſupported or protected but by ſuch 'Pillars as have neither Flaws nor Cracks, and placed

'on

on a ſure Foundation. I am afraid that all Expedi- 1680.
ents will be found to have far different Qualifications.
I cannot foreſee how the Excluding any Perſon who
hath a Right to the Succeſſion, depending upon Con-
tingencies, upon ſuch an Account as this is, ſhould
occaſion a Civil War, but rather do think, that there
is a great deal more Danger not only of a Civil War,
but of our Religion and Liberty too, if we ſhould not,
and ſo have a Popiſh King: For I do believe, that
ſuch a King would ſoon have a Popiſh Council.
For if there be Eleven to Seven now for the Intereſt of
a Popiſh Succeſſor, what may you not expect when
you have a Popiſh King? And ſhould you not then
have ſoon Popiſh Judges, Juſtices, Deputy-Lieutenants,
Commanders at Sea and Land, nay, and Popiſh Bi-
ſhops too: For if there be none put into any of theſe
Places now that are for acting againſt a Popiſh Suc-
ceſſor, well may we expect that none ſhall be put in
then but what are for a Popiſh King. And therefore
I am aſtoniſh'd to hear any Man that pretends to be a
Proteſtant, argue, that in ſuch a Caſe we need not fear
Popery; for indeed it is to argue for Popery, and muſt
proceed from an Opinion, that the Proteſtant Intereſt
is very low, and not able to bear up long againſt Pope-
ry, or elſe that Proteſtants are very credulous and in-
conſiderate, and may be brought to deſtroy them-
ſelves with their own Hands. Muſt our Religion and
Liberty have no Security, but what depends on the
Vertues and Goodneſs of a Prince who will be in
Subjection to the Pope, and poſſibly influenced by
Jeſuits and ſuch Creatures: Will it not ſeem ſtrange
that ſuch a Prince ſhould compoſe his Privy-Council
of Perſons inclined to that Religion, or that he ſhould
employ any others, as Judges, Juſtices, Sheriffs, or
Commanders in any Place of Truſt, either at Land or
Sea. And can we think that by the many Endeavours
which will be uſed, that the common People will not
be debauched, and either be miſlead, or made indif-
ferent in a little while? Is it not in the Power of the
King to nominate his Councellors, Judges, Sheriffs,
Commanders at Sea and Land; and can it be ima-
gined, that he will not take Care to nominate ſuch as
ſhall be for his Turn? Certainly, Sir, no Man can ima-
gine, that the Proteſtant Religion can long be pre-
ſerved under ſuch a King, but ſuch as cannot or will

1680. 'not ſee at a Diſtance, what a Change ſuch a Schem
'of Government will ſoon produce, and how likely
'is that it will be ſet up and practiſed, if ever we ſhou
'have a Popiſh King? And as I do think that our Re
'ligion can never be ſecured without this Bill, ſo I d
'not fear that it will occaſion any Civil War, or an
'Diviſion between this Kingdom, *Scotland* and *Irelan*
'but rather I believe it will be a Means to reconcile
'Proteſtant Intereſt, and to ſettle the Government up
'on ſuch a Bottom as will prove invincible. In *Sco*
'*land* the major part of the People hate Popery as we
'as we, and ſo do the Proteſtants in *Ireland*. An
'therefore certainly it will be their Intereſt to join wit
'us againſt a common Enemy, and not to divide. An
'whereas it hath been ſuggeſted, that this Bill will en
'gage us in a War againſt all Catholick Princes, I loo
'upon it as a Bugbear, and do believe that we ſha
'gain many Friends by being ſettled, as we may be b
'having this Bill; becauſe then we may be formidab
'to our Enemies, and ſerviceable to our Allies, but n
'ver without it. And, Sir, this is not to diſinherit
'Man for his Religion, but becauſe he has render
'himſelf uncapable to govern us, according to ou
'Laws, which, whether it proceeded from his Religio
'or any thing elſe, is all one to us. He being uncapab
'is the Ground for our Proceedings, having no oth
'Way to ſecure our ſelves. Upon the whole Matter
'do conclude, *That a Popiſh King and a Proteſtant Re*
'*gion are irreconcilable, and we have no Reaſon to fear*
'*Civil War, ſo long as we have a Law for our Defence, a*
'*a Proteſtant King to head us, which we cannot expect wit*
'*out paſſing ſome ſuch Bill as this under Debate: And there*
'*fore I humbly move it may be brought in.*

Several other Members argued, ſome againſt, othe
for the Bill, but after it was read the firſt time, Sir *Le*
nel Jenkins ſtood up and addreſs'd himſelf to the Spea
er in the following Manner: 'Sir, I have ſpent muc
Sir *Leonel Jenkins* againſt the Bill. 'of my Time in ſtudying the Laws of this Land, an
'I pretend to know ſomething of the Laws of Forei
'Countries, as well as of our own, and I have up
'this Occaſion well conſidered of them, but I cann
'find how we can juſtifie the Paſſing of this Bill, rath
'much againſt it. *Firſt*, I think it contrary to Natu
'and Juſtice, that we ſhould proceed to Condemnatio
'not only before Conviction, but before we have hea
'd

the Party, or examined any Witneſſes about him, I am ſure none in his Defence, and to do this by making a new Law of purpoſe, when you have old Laws in being that have appointed a Puniſhment to his Crime, I humbly conceive it were ſevere, and contrary to the uſual Proceedings of this Houſe, and the Birth-Right of every *Engliſh* Man. 1680.

Secondly, 'I think it contrary to the Principles of our Religion, that we ſhould diſpoſſeſs a Man of his Right, becauſe he differs in point of Faith: For is it not agreed by all, *that Dominion is founded in Grace*; for my part, I think there is more of Popery in this Bill, than can poſſibly be in the Nation without it; for none but Papiſts and Fifth-Monarchy-Men did ever go about to diſinherit Men for their Religion.

Thirdly, 'I am of Opinion, that the Kings of *England have their Right from God alone, and that no Power on Earth can deprive them of it*, and I hope this Houſe will not attempt to do any thing which is ſo preciſely contrary not only to the Law of God, but of the Land too: For if this Bill will paſs, it will exchange the Eſſence of the Monarchy, to make the Crown Elective; for by the ſame Reaſon that this Parliament may diſinherit this Prince for his Religion, other Parliaments may diſinherit another upon ſome other Pretence which they may ſuggeſt; and ſo conſequently by ſuch Excluſions elect whom they pleaſe.

Fourthly, 'It is againſt the *Oath of Allegiance*, taken in its own Senſe, without Jeſuitical Invaſions. For by binding all Perſons to the King, his Heirs and Succeſſors, the Duke as preſumptive Heir muſt be underſtood: And I am of Opinion it cannot be diſpenced withal. Sir, I will be very cautious how I diſpute the Power of Parliaments; I know the Legiſlative Power is very great, and it ought to be ſo; but yet I am of Opinion, that Parliaments cannot diſinherit the Heir of the Crown, and that if ſuch an Act ſhould paſs, it would be invalid in it ſelf; and therefore I hope it will not ſeem ſtrange that I ſhould offer my Judgment againſt this Bill while it is in Debate, in which I think I do that which is my Duty, as a Member of this Houſe. *Henry* IV. of *France* was a Proteſtant, his People moſt Papiſts, who uſed ſome Endeavours to prevent his coming to the Crown; but when they found they were not like to perfect their

1680. 'Design without occasioning a Civil War, they desist
'ed, concluding that a Civil War would probably
'bring upon them more Misery than a King of a dif
'ferent Religion; and therefore submitted.

'Sir, I hope we shall not permit our Passion to guide
'us instead of Reason, and therefore I humbly move
'you *to throw out the Bill.*

Mr. *John Hampden* for the Bill

Then Mr. *John Hampden* made the following Reply to Sir *Leonel*'s Objections. As to the first, *That the Passing of the Bill was contrary to natural Justice, because the Duke had not been heard.* The Precedents that might be offer'd to make out, that Parliments have, when they thought good, condemned Persons by Bill, were numerous, and without any Hearing too; and if there were none, to doubt the Power of the Legislative Authority of the Nation, in that or any other Case, was to suppose such a Weakness in our Government, as inconsistent with the Prudence of our Ancestors and common Reason, as could not well be imagined. As to the Second Objection, he answered, That it was apparent, that the Opinions and Principles of the Papists tended to the Alteration of the Government, and the Religion of the Nation, and the Introducing instead thereof Superstition and Idolatry, and a Foreign and Arbitrary Power, and that it was Folly to think that the using of the only Means for the Preservation of our Religion, was inconsistent with the Principles thereof. In Answer to the Third he affirms, That the Bill would endanger the Reducing of the Government to be Elective. He argued, It would not be presumed that any thing but the like Cause could have the like Effect. Tho' the Succession of the Crown had been formerly often changed by Acts of Parliament, yet hitherto it had not made the Crown Elective; and why must it be fear'd now? As to the last, he said, That the Bill was no such strange Expedient, but would be done in other Countries upon the like Occasion; for he believed, that if the *Dauphin* of *France*, or *Infanta* of *Spain*, were Protestants, and for Twenty Years together endeavour'd the Setting up of another Interest and Religion, contrary to the Interest of those Kings and the Catholick Religion, especially, if such Endeavours had been accompanied with such Success as here, and those Nations had been so often by such Means reduced so near to Ruine, as we have been, by Divisions, Toleration

Bur

urnings, Plots, Sham-Plots at Home, and by Wars 1680.
nd Foreign Alliances over-ruled in their Favour A-
road, but that they would have been more impatient
an we have been for this Remedy, and in dangerous
aſes no body queſtioned the Authority of the Parlia-
ent of *England*, to find Expedients of this Nature; for
e Succeſſion of the Crown had been formerly changed
y Act of Parliament, as mention'd before.

After many Arguments *pro* and *con*, too tedious to be
re inſerted, on the 8th of *Nov.* the Houſe reſolved it
f into a Committee of the whole Houſe, to proceed
Conſideration of the Bill to diſable *James*, Duke of
rk, to inherit the Imperial Crown of *England* and *Ire-*
nd, and the Dominions and Territories thereto be-
nging, and after many Debates about ſeveral Amend-
nts, and Clauſes to be added, the Bill was agreed
d reported to the Houſe; and upon the 11th Mr. *Ver-*
moved, that the Ingroſſed Bill for diſinheriting
mes, Duke of *York*, might be read, which was done
cordingly, and is as followeth:

Bill of Exclusion.

WHereas *James*, Duke of *York*, is notoriouſly known to have been perverted from the *Proteſtant* to he *Popiſh* Religion, whereby not only great Encouagement hath been given to the Popiſh Party, to enter into and carry on moſt deviliſh and horrid Plots nd Conſpiracies, for the Deſtruction of his Majeſty's acred Perſon and Government, and for the Extirpaion of the *Proteſtant Religion*: But alſo if the ſaid Duke ſhould ſucceed to the Imperial Crown of this Realm, nothing is more manifeſt, than that the total hange of Religion within theſe Kingdoms would nſue. For the Preſervation thereof, be it Enacted y the King's moſt Excellent Majeſty, by and with he Advice and Conſent of the Lords Spiritual and Temporal, and the Commons, in this preſent Parliaent aſſembled, and by the Authority of the ſame, That the ſaid *James*, Duke of *York*, ſhall be, and is y the Authority of this preſent Parliament, excluded, nd made for ever uncapable to inherit, poſſeſs, or joy the Imperial Crown of this Realm, and of the ingdom of *Ireland*, and the Dominions and Territoes of them, or to either of them belonging, or to ve, exerciſe, or enjoy any Dominion, Power, Juſdiction, Authority over the ſaid Kingdoms, Do-

1680. ‘ minions, or any of them. And be it further enacted
‘ by the Authority aforeſaid, That if the ſaid *James*
‘ Duke of *York*, ſhall at any time hereafter challenge
‘ claim, or attempt to poſſeſs or enjoy, or ſhall take
‘ upon him to uſe or exerciſe any Dominion, or Power
‘ or Authority, or Juriſdiction within the ſaid Kingdoms or Dominions, or any of them, as King or chief
‘ Magiſtrate of the ſame, that then he the ſaid *James*
‘ Duke of *York*, for every ſuch Offence, ſhall be deemed and adjudged Guilty of High-Treaſon; and ſhall
‘ ſuffer the Pains, Penalties and Forfeitures, as in caſe
‘ of High-Treaſon. And further, That if any Perſon
‘ or Perſons whatſoever, ſhall aſſiſt or maintain, abet,
‘ willingly adhere unto the ſaid *James*, Duke of *York*,
‘ ſuch Challenge, Claim, or Attempt, or ſhall of themſelves attempt or endeavour to bring the ſaid *James*
‘ Duke of *York*, into the Poſſeſſion or Exerciſe of any
‘ Legal Power, Juriſdiction, or Authority, within the
‘ Kingdoms and Dominions aforeſaid; or ſhall by
‘ Writing or Preaching, adviſedly publiſh, maintain or
‘ declare, that he hath any Right, Title or Authority to
‘ the Office of King, or chief Magiſtracy of the Kingdoms and Dominions aforeſaid, that then every ſuch
‘ Perſon ſhall be deem'd and adjudged Guilty of High
‘ Treaſon, and that he ſuffer and undergo the Pains
‘ Penalties, and Forfeitures aforeſaid.

‘ And be it further enacted by the Authority aforeſaid, That the ſaid *James*, Duke of *York*, ſhall not at
‘ any time from and after the 5th of *Nov.* 1680. return
‘ or come into, or within any of the Kingdoms or Dominions aforeſaid, and then he the ſaid *James*, Duke
‘ of *York*, ſhall be deemed and adjudged Guilty of High
‘ Treaſon, and ſhall ſuffer the Pains, Penalties and Forfeitures as in caſe of High-Treaſon. And further
‘ That if any Perſon or Perſons whatſoever, ſhall be
‘ aiding or aſſiſting to ſuch Return of the ſaid *James*
‘ Duke of *York*, that then every ſuch Perſon ſhall be
‘ deemed and adjudged Guilty of High-Treaſon, and
‘ ſhall ſuffer as in Caſes of High-Treaſon.

‘ And be it further enacted by the Authority aforeſaid, That the ſaid *James*, Duke of *York*, or any other
‘ Perſon, being guilty of the Treaſons aforeſaid, ſhall
‘ not be capable of or receive Benefit by any Pardon
‘ otherwiſe than by Act of Parliament, wherein they
‘ ſhall be particularly named; and that no *Noli proſe-*

or Order to ſtay Proceedings, ſhall be received or allowed, in or upon any Indictment for any of the Offences mention'd in this Act. 1680.

'And be it further enacted and declared, and it is hereby enacted and declared, That it ſhall and may be lawful to, and for any Magiſtrate, Officers, and other Subjects whatſoever of theſe Kingdoms and Dominions aforeſaid; and they are hereby enjoined and required to apprehend and ſecure the ſaid *James*, Duke of *York*, and any other Perſon offending in any of the Premiſes, and with him or them, in caſe of Reſiſtance, to fight, and him or them by Force to ſubdue. For all which Acts, and for ſo doing, they are and ſhall be, by Virtue of this Act, ſaved harmleſs and indemnified.

'Provided, and it is hereby declared, That nothing in this Act contain'd, ſhall be conſtrued, deemed or adjudged to diſenable any other Perſon from inheriting and enjoying the Imperial Crown of the Realms and Dominions aforeſaid (other than the ſaid *James*, Duke of *York*) but that in caſe the ſaid *James*, Duke of *York*, ſhould ſurvive his now Majeſty, and the Heirs of his Body, the ſaid Imperial Crown ſhall deſcend to and be enjoy'd by ſuch Perſon or Perſons ſucceſſively, during the Life of the ſaid *James*, Duke of *York* as ſhould have inherited and enjoy'd the ſame, in caſe the ſaid *James*, Duke of *York*, were naturally dead, any thing contained in this Act to the contrary notwithſtanding.

'And be it further enacted by the Authority aforeſaid, That during the Life of the ſaid *James*, Duke of *York*, this Act ſhall be given a Charge at every Aſſizes, and General Seſſions of the Peace, within the Kingdoms, Dominions and Territories aforeſaid, and alſo ſhall be openly read in every Cathedral Church and Pariſh-Church, and Chappels, within the aforeſaid Kingdoms, Dominions and Territories, by the reſpective Parſons, Vicars, Curats and Readers thereof, who are hereby immediately required, after Divine Service, in the Forenoon, to read the ſame twice in every Year; that is to ſay, on the 25th of *December*, and upon *Eaſter-Day*, during the Life of the ſaid *James*, Duke of *York*.

1680. After the Reading of the Bill, Sir *Lionel Jenkins* ſtood up again, and declared, as before, againſt it, making a Repetition of his before-mentioned Objections, eſpecially about the Oath of Allegiance; for thereby he thought himſelf bound to him as Heir, until it pleaſed God that his Majeſty had Children; and that it was a very hard Caſe upon the Duke, who was enrich'd with ſuch excellent Endowments as he was, which Endowments he had employ'd in the Service of this Nation, by fighting our Battles, and defending us from the Oppreſſion of our Enemies, and was only guilty of one ſmall Crime, and that but an Opinion of ſome Points of Faith.

Sir *Lionel Jenkins* againſt the Bill.

Mr. *Hide* againſt the Bill.

Mr. *Hide* ſpoke very much to the ſame Purpoſe, proteſting againſt the Bill, that the Duke was dealt with more hard than the King's Murtherers were, for they had fair Trials, and were permitted to ſpeak for their own Defence, whereas this Procedure againſt the Duke allow'd him not to have a Hearing: Therefore it was againſt natural Juſtice, and he could not in Conſcience concur therein.

Sir *William Hickman* for the Bill.

But, to be ſhort, Sir *William Hickman* ſtood up and enumerated up all the Objections againſt the Bill, *viz.* That ſome learned Members argued, that the Bill was againſt natural Juſtice, becauſe it condemned a Man before he was heard, that it was too ſevere a Condemnation for ſo ſmall a Crime. 2. That it was againſt the Oath of Allegiance, and Principles of our Religion. 3. That it would be a Scandal upon the Church. 4. That it was a Law that would be void in it ſelf, and that there were a loyal Party that would never obey it. 5. That it would make the Crown Elective, and occaſion a Civil War. 6. And that the Proviſo, as to the Duke's Children, was not ſtrong enough, becauſe the Word Preſumptive there was left out.

To the firſt Objection he anſwered, That the Bill was not intended as a Condemnation to the Duke, but a Security to our ſelves; and was ſo far from being againſt natural Juſtice, that the Paſſing of it was agreeable to the very Foundation not only of natural Juſtice, but natural Religion too; the Safety of the King and Kingdom depending thereon; which, according to the Rules of Juſtice and Religion, we are bound to uſe our Endeavour to preſerve, before any one Man's Intereſt. As to the Oath of Allegiance, he admired at ſuch an Ob-

Objection, for he never heard that Oath pleaded in fa- 1680.
vour of Popery, that he never found that that Oath ex-
tended to the Succeſſor, during the King's Life, and
therefore there's no Need of any Diſpenſation in that
Point. He could not imagine how it could be any
Scandal to the Church, if they meant the Proteſtant
one; could the Church or Church-men be ſcandalized
becauſe they endeavoured to ſecure themſelves againſt
Popery, by all lawful Means, the very Suppoſition
was a high Reflection upon the Church-men, as rendring
them willing to let in Popery, if they uſed not practi-
cable Means for the ſuppreſſing of it. To ſay, *That*
the Law will be void in it ſelf, and that there will be a loyal
Party that will never obey it, and that it will occaſion a
Civil War, &c. were ſtrange Arguments; for to doubt
that the Legiſlative Power of the Nation, King, Lords
and Commons, cannot make Laws that ſhall bind any,
or all the Subjects of this Nation, is to ſuppoſe there
is ſuch a Weakneſs in Government, as muſt infallibly
occaſion its Ruine; and therefore he was of Opinion,
that what Laws they made in this Caſe, would carry as
much Strength with them, not only now, but after the
King's Death, as any Law whatſoever. And how then
could there be a loyal Party that would not acquieſce
herein, unleſs the Word Loyal had ſome other Signifi-
cation than he knew of: He took it to be a Diſtinction
that could only be given to ſuch as obey Laws; and
here was no Queſtion, but if once that Law were paſſed,
here would be Proteſtants enough, whoſe Intereſt it
would be to defend it, and would compel an Obedi-
nce to it, and there was more Reaſon to fear a Civil
War without it, than with it; for if that Bill ſhould
paſs, thereby we might be ſo united and enabled to
efend our ſelves, as the Popiſh Party would never
ave the Confidence to attempt us; but without it, we
hould not be in any Capacity to defend our ſelves,
hich, above all Things, might encourage a Civil
War. And as to the Proviſo for ſecuring the Right of
he Duke's Children, if it was not ſtrong enough, he
as ready to make it ſtronger; but in his Opinion it
as made as full and as comprehenſive as could be, at
aſt he took the leaving out the Words, *Preſumptive*
eir to the Crown, to be no Objection againſt it; for
ere was no ſuch Word in our Law-Books, nor no
ch Term in treating of the Succeſſion, and there-
fore

1680. fore Care ſhould be had how to make a Precedent in that Caſe. Then he concluded, ſaying, *That he ſaw no Validity in all the Arguments offered againſt the Bill, and if there were any, they were not to ſtand in Competition with our Lives and Religion, neither of which were in any Safety, as long as there was a Popiſh Succeſſion, and the Fears of a Popiſh King.*

Sir *Francis Winnington* for the Bill.

Theſe Arguments were both enlarged upon and ſtrongly back'd by Sir *Francis Winnington*, who ſpoke to this Effect: Sir, The Arguments that have been uſed againſt this Bill, may be very excellent to lull us into a fatal Security, by poſſeſſing us with Opinions, that there is no need of taking ſo much Care about Popery, or that we ought not to expoſe it, or that it will be to no Purpoſe, becauſe we have no Power to hinder it; but I cannot ſee what Weight they have in them, grounded on any other Conſideration, to hinder the Paſſing of this Bill, rather for the ſame Reaſon that ſuch Arguments as theſe are here offered againſt this Bill, and ſuch Endeavours uſed Abroad to reconcile the People to have a better Opinion of Popery than formerly, I think we ought to be the more zealous for this Bill, becauſe nothing can give a greater Encouragement and Aſſiſtance to Popery than the Growth of ſuch Opinions, nor prevent their Deſign, who are induſtrious to infuſe them, than the Paſſing of this Bill. Whoever will conſider how this Monarchy hath declined in Grandeur, Honour and Reputation abroad, by the Deſtruction of our Navy in 1666. and the little Appearance we have ever ſince made of being able to be formidable at Sea, but above all our Miniſters Double dealing in the making of Alliances, or performing of them (in order to keep up our Intereſt with *France*) how from being Umpire to all this part of the World, according to that Advantage which we have by our Situation, we are become the deſpicableſt Nation in *Europe*? How the Government is weakned at home, not only by Fears and Jealouſies, but by the Debaucheries and Diviſions which have been promoted amongſt the People? How narrowly we eſcaped Ruine, when the City of *London* was burnt, as well as when the Toleration came out, and the Army was at *Black-Heath*, and lately by the horrid Plot, if it had not been diſcover'd. How there is nothing ſtands between us and Death but the King's Life; and how all theſe Dangers pa-

and preſent do ariſe from Popery; and how impoſſible it ſhould be otherwiſe, as long as there is a Popiſh Succeſſor; may juſtly admire how there ſhould be any Arguments offer'd in this Place to leſſen Popery. I cannot tell how theſe learned Members underſtand natural Juſtice; but I am of that Opinion, that Self-Preſervation, and the Protection of our Religion, and Life of our King, by all lawful Ways, is very agreeable to natural Juſtice: And I do admire to hear ſuch a Conſtruction made of the Oath of Allegiance, that it binds all Perſons to the next Heir, as well as to the King. For it is a moſt dangerous Maxim, and may be of ill Conſequence, if ever the next Heir of the Crown ſhould make a Rebellion, for he may thereby challenge Allegiance from the People, as well as the King, which may be of a pernicious Conſequence. And I do not ſee wherein our Church and Religion can be ſcandaliz'd by this Bill; for we do not diſinherit this Prince for his Religion, but to ſave our own, and to prevent the manifeſt Ruine of the Nation. And therefore I think it is a Kindneſs to the Church above all Acts whatſoever, becauſe it is the only Way to preſerve it, I mean the Proteſtant Church. All thoſe Objections that have been made againſt the Lawfulneſs and Validity of this Act, do not weigh with me; but notwithſtanding what hath been ſaid, I do believe it will be as good a Law, if once it be paſt, and will be as well obſerved too as any Act whatſoever. The King hath his Right from God, and by our Laws can do no Wrong. If we ſhould give all theſe Qualifications to a Succeſſor, as hath been in ſome meaſure inſinuated, it would make a ſtrange Confuſion in the Government. Life it ſelf, to which a Man hath as much Right, as any Succeſſor can pretend to have to the Crown, is taken away upon ſome Forfeiture for the publick Good: And as there may be a Forfeiture of Life, ſo there may be a Forfeiture of a Right to the Succeſſion, and no doubt but that there is an unlimited, uncontroulable Power, reſiding ſome-where in all Governments, to remedy the Exigencies that may happen. Is it to be ſuppoſed there is ſuch a Weakneſs in this or any other Government, as that it may fall when a powerful Faction ſhall endeavour it? In this Nation this Power is in the King, Lords and Commons, and I hope they will make uſe of it to preſerve the Government upon this

1680.

1680. this Occaſion. And I do not doubt, but if the Bill paſs, all will obey it heartily, that wiſh well to the Proteſtant Religion. I am afraid ſome Miniſters of State place their Safety in common Ruine, or otherwiſe the Settling of this Affair would not have been ſo long delayed and oppoſed as it has been: Has there not been contrived and practiſed, and is there not ſtill threatned the greateſt and certaineſt Ruine of this Nation, by this Buſineſs of the Duke, that ever was yet projected, and muſt we be more ſtupified than our Anceſtors? Doth not the Act of the 13th of Queen *Elizabeth*, make it Treaſon for any Man to ſay, *That the Parliament cannot alter the Succeſſion?* And in *Henry* VIII's Time, was not the Right of Succeſſion changed and rechanged by Act of Parliament? He then inſtanced ſeveral Preſidents how the Succeſſion had been ſettled and altered by Acts of Parliament, ſince *William* the Conqueror's Time, and concluded with a Motion for paſſing the Bill.

Againſt the Bill. Several other Members ſtood ſtifly againſt the Bill, and beſides what Arguments were offered before, made a Tender of the following Ones: That tho' it was made Treaſon by the Statute in the 13 *Eliz.* yet the Kings of *England*'s Rights were by ſo ancient a Preſcription, as that it might juſtly be ſaid *to be from God alone, and that no Power on Earth ought to diſpute it*; and one was of Opinion, That the Succeſſion of the Crown was inſeparably annexed to the Proximity of Blood, and therefore was not alterable; and if that Bill ſhould paſs into a Law, it would be of it ſelf invalid; and that many Doubts might ariſe from the Penning of the Bill; as if the Princeſs of *Orange* ſhould come to the Crown, during the Duke's Life, and the Duke ſhould afterwards have a Son, was it Juſtice for that Son to loſe his Right for ever; for there was no Proviſion made in the Bill to ſave his Right, which might occaſion a Civil War between his Generation and the Princeſs's Children, as bloody as that between the Houſe of *York* and *Lancaſter*.

For the Bill. The other Party anſwered theſe Objections without any Heſitation, That our Anceſtors, as mention'd before, upon ſeveral Occaſions, ſettled and changed the Succeſſion, of which there were many Inſtances given, which did not only confirm the Power of the Parliament to alter the Succeſſion, but alſo did juſtifie their Pro-

Proceedings as to this Bill under Debate. As to the Objection made about the Duke's Son, if he ſhould have any after either of his Daughters had taken Poſſeſſion of the Government, it might in ſome meaſure be made againſt the Courſe of Succeſſion, obſerved in all Kingdoms, if a King die, leaving a Queen, the next Heir would be preſently Proclaimed, to prevent an *Interregnum*, tho' there be a Poſſibility of the Queen's being with Child, to whom the Right in the firſt place ſhould belong. If any ſuch ſhould be born, ſuch a Settlement as was deſigned by the Bill, might deſtroy the *French* and Popiſh Intereſt, but could never be a Gratification to them. 1680.

Upon the 17th of *Nov.* the King's Meſſage about *Tangier* was read, being in Subſtance, *That the Condition and Importance of the Place obliged his Majeſty to put the Houſe in mind again, that he relied upon them for the Support of it*; but the Commons, after ſeveral Debates thereupon, and in Anſwer thereof, appointed a Committee on the 30th, to draw up an Addreſs to be preſented to his Majeſty, wherein there are ſome Things relating to the Duke, and ought not to be omitted; therefore I thought it not improper to be inſerted here, and is as followeth.

The Humble Addreſs of the Commons *in Parliament aſſembled.*

May it pleaſe your moſt Excellent Majeſty,

WE, your Majeſty's moſt obedient and loyal Subjects, the Commons in Parliament aſſembled, having with all Duty and Regard taken into our ſerious Conſideration your Majeſty's late Meſſage relating to *Tangier*, cannot but account the preſent Condition of it, as your Majeſty is pleaſed to repreſent it in your ſaid Meſſage (after ſo vaſt a Treaſure expended to make it uſeful) not only as one Infelicity more added to the afflicted Eſtate of your Majeſty's faithful and loyal Subjects, but as one Reſult alſo of the ſame Counſels and Deſigns, which have brought your Majeſty's Perſon, Crown and Kingdoms into theſe great and imminent Dangers, with which at this Day they are Commons Addreſs to King *Charles* 2.

1680. ‘ are ſurrounded: And we are the leſs ſurprized to hear
‘ of the Exigencies of *Tangier*, when we remember,
‘ that ſince it became part of your Majeſty's Dominions,
‘ it hath ſeveral times been under the Command of Po-
‘ piſh Governours (particularly for ſome time under
‘ the Command of a Lord Impeached, and now Pri-
‘ ſoner in the *Tower*, for the execrable and horrid Po-
‘ piſh Plot) That the Supplies ſent thither have been
‘ in great part made of Popiſh Officers and Soldiers,
‘ and that the *Iriſh* Papiſts amongſt the Soldiers of that
‘ Garriſon, have been the Perſons moſt countenanced
‘ and encouraged.

‘ To that part of your Majeſty's Meſſage which ex-
‘ preſſes a Reliance upon this Houſe for the Support of
‘ *Tangier*, and a Recommendation of it to our ſpeedy
‘ Care, we do, with all Humility and Reverence, give
‘ this Anſwer; That altho' in due Time and Order we
‘ ſhall omit nothing incumbent on us for the Preſer-
‘ vation of every part of your Majeſty's Dominions,
‘ and advancing the Proſperity and flouriſhing Eſtate
‘ of this Kingdom; yet at this Time, when a Cloud
‘ which has long threatned this Land, is ready to break
‘ our Heads in a Storm of Ruine and Confuſion, to en-
‘ ter into any further Conſideration in this Matter, e-
‘ ſpecially to come to any Reſolutions in it, before we
‘ are effectually ſecured from the imminent and appa-
‘ rent Dangers ariſing from the Power of Popiſh Per-
‘ ſons and Councils, we humbly conceive will not con-
‘ ſiſt either with our Duty to your Majeſty, or the Truſt
‘ repoſed in us by thoſe we repreſent.

‘ It is not unknown to your Majeſty, how reſtleſs the
‘ Endeavours, and how bold the Attempts of the Popiſh
‘ Party, for many Years laſt paſt, have been, not only
‘ within this, but other your Majeſty's Kingdoms, to
‘ introduce the Romiſh, and utterly extirpate the true
‘ Proteſtant Religion. The ſeveral Approaches they
‘ have made towards the Compaſſing this their Deſign
‘ (aſſiſted by the Treachery of perfidious Proteſtants)
‘ have been ſo ſtrangely ſucceſsful, that it is Matter of
‘ Admiration to us, and which we can only aſcribe to
‘ an Over-ruling Providence, that your Majeſty's Reign
‘ is ſtill continued over us, and that we are aſſembled
‘ to conſult the Means of our Preſervation. This
‘ bloody and reſtleſs Party, not content with the great
‘ Liberty they had for a long time enjoy'd, to exerciſe
‘ their

their own Religion privately among themſelves, to partake of an equal Freedom of their Perſons and Eſtates with your Majeſty's Proteſtant Subjects, and of an Advantage above them, in being excuſed from chargeable Offices and Employments, hath ſo far prevail'd, as to find Countenance for an open and avowed Practice of their Superſtition and Idolatry, without Controul, in ſeveral Parts of this Kingdom. Great Swarms of Prieſts and Jeſuits have reſorted hither, and have here exerciſed their Juriſdiction, and been daily tampering to pervert the Conſciences of your Majeſty's Subjects. Their Oppoſers they have found Means to diſgrace, and if they were Judges, Juſtices of the Peace, or other Magiſtrates, to have them turned out of Commiſſion, and in Contempt of the known Laws of the Land, they have practiſed upon People of all Ranks and Qualities, and gained over divers to their Religion; ſome openly to profeſs it, others ſecretly to eſpouſe it, as moſt conduced to the Service thereof. 1680.

'After ſome time they became able to influence Matters of State and Government, and thereby to deſtroy thoſe they cannot corrupt. The Continuance or Prorogation of Parliaments has been accommodated to ſerve the Purpoſes of that Party. Money raiſed upon the People to ſupply your Majeſty's extraordinary Occaſions, was by the Prevalence of Popiſh Councils employ'd to make War upon a Proteſtant State, and to advance and augment the dreadful Power of the *French* King, tho' to the apparent Hazard of this, and all other Proteſtant Countries. Great Numbers of your Majeſty's Subjects were ſent into and continued in the Service of that King, notwithſtanding the apparent Intereſt of your Majeſty's Kingdoms, the Addreſſes of the Parliament, and your Majeſty's gracious Proclamations to the contrary. Nor can we forbear to mention, *how at the Beginning of the ſame War, even the Miniſters in* England *were made Inſtruments to preſs upon that State the Acceptance of the Demand, among others, from the* French *King, for procuring their Peace with him, that they ſhould admit the publick Exerciſe of the Roman Catholick Religion in the* United-Provinces, *the Churches there to be divided, and the* Romiſh *Prieſts maintained out of the Publick Revenue.*

'At

1680. 'At home, if your Majeſty did at any Time, by 'the Advice of your Privy-Council, or of your Two 'Houſes of Parliament, *command the Laws to be put in 'Execution againſt Papiſts*, even from thence they gain'd 'Advantage to their Party, while the Edge of thoſe 'Laws was turned againſt Proteſtant Diſſenters, and 'the Papiſts eſcaped, in a manner untouched. The 'Act of Parliament enjoining a Teſt to be taken by 'all Perſons admitted into any Publick Office, and in-'tended for a Security againſt Papiſts coming into Em-'ployment, had ſo little Effect, that either by Diſpen-'ſation obtained from *Rome*, they ſubmitted to thoſe 'Teſts, and held their Offices themſelves, or thoſe put 'in their Places were ſo favourable to the ſame Inte-'reſts, that Popery it ſelf has rather gained than loſt 'Ground ſince that Act.

'But that their Buſineſs in hand might yet more 'ſpeedily and ſtrongly proceed, at length a Popiſh Se-'cretary (ſince executed for his Treaſon) takes upon 'him to ſet afoot and maintain Correſpondences at 'Rome (particularly with a Native Subject of your 'Majeſty's promoted to be a Cardinal) and in the 'Courts of other Foreign Princes (to uſe their own 'Form of Speech) *for the ſubduing that peſtilent Hereſie 'which has ſo long domineer'd over this Northern World*; 'that is, *to root the Proteſtant Religion out of* England, 'and thereby to make Way the more eaſily to do the ſame in 'other Proteſtant Countries.

'Towards the doing of this great Work (as Mr. *Cole-'man* was pleaſed to call it) Jeſuits (the moſt dange-'rous of all Popiſh Orders, to the Lives and Eſtates 'of Princes) were diſtributed to the ſeveral Precincts 'within the Kingdom, and held joint Councils with 'thoſe of the ſame Order in all Popiſh Countries: Out 'of thoſe Councils and Correſpondences was hatch'd 'that damnable and helliſh Plot, by the good Provi-'dence of Almighty God brought to Light above Two 'Years ſince, but ſtill threatning us; wherein the 'Traitors, impatient of longer Delay, reckoning the 'Prolonging of your Sacred Majeſty's Life (which 'God long preſerve) as the great Obſtacle in the Way 'to the Conſummation of their Hopes, and having in 'their Proſpect a proſelited Prince, immediately to 'ſucceed in the Throne of theſe Kingdo ns, reſolved 'to begin their Work with the Aſſaſſination of your

'Ma

Majeſty, to carry it on with arm'd Force, to deſtroy your Majeſty's Proteſtant Subjects in *England*, to execute a ſecond Maſſacre in *Ireland*, and ſo with Eaſe arrive at the Suppreſſion of our Religion, and the Subverſion of our Government. 1680.

'When this accurſed Conſpiracy began to be diſcovered, they began the Smothering it with the barbarous Murther of a Juſtice of the Peace, within one of your Majeſty's own Palaces, who had taken ſome Examinations concerning it.

'Amidſt theſe Diſtractions and Fears, Popiſh Officers for the Command of Forces, were allowed upon the Muſters, by ſpecial Orders (ſurreptitiouſly obtained from your Majeſty) but Counter-ſign'd by a Secretary of State, without ever paſſing under the Teſts preſcribed by the Act of Parliament. In like manner above Fifty new Commiſſions were granted about the ſame time to known Papiſts, beſides a great Number of deſperate Popiſh Officers, tho' out of Command, yet entertained in Half Pay. When in the laſt Parliament the Houſe of Commons were to bring to a legal Tryal the Conſpirators in this Plot, that Parliament was firſt prorogued, and then diſſolved. The Interval between the Calling and Sitting of this Parliament was ſo long, that now they conceive Hopes of covering all their paſt Crimes, and gaining a ſeaſonable Time and Advantages of practiſing them more effectually.

'Witneſſes are attempted to be corrupted, and not only Promiſes of Reward, but of the Favour of your Majeſty's Brother, made the Motives to their Compliance. Divers of the moſt Conſiderable of your Majeſty's Proteſtant Subjects have Crimes of the higheſt Nature forged againſt them, the Charge to be ſupported by Subornation and Perjury, that they may be deſtroyed by Forms of Law and Juſtice.

'A *Preſentment* being prepared for a Grand-Jury of *Middleſex*, againſt your Majeſty's ſaid Brother the Duke of *York* (under whoſe Countenance all the reſt ſelter themſelves) the Grand-Jury were in an unheard of, and unprecedented, and illegal Manner diſcharged, and that with ſo much Haſte and Fear, leſt they ſhould finiſh that *Preſentment*, that they were prevented from delivering many other *Indictments*, by them at that time found againſt other Popiſh Re-

1680. 'cuſants. Becauſe a Pamphlet came forth Weekly
'called, *The Weekly Packet of Advice from* Rome, which
'expoſes Popery (as it deſerves) as ridiculous to the
'People, a new and arbitrary Rule of Court was made
'in your Majeſty's Court of *King's-Bench* (rather like a
'*Star Chamber*) That the Same ſhould not for the Fu-
'ture be printed by any Perſon whatſoever.

'We acknowledge your Majeſty's Grace and Care
'in iſſuing forth divers Proclamations ſince the Diſco-
'very of the Plot, for the *Baniſhing Papiſts from the*
'*great City, and Reſidence of your Majeſty's Court, and the*
'*Parliament*; but with Trouble of Mind, we do hum-
'bly inform your Majeſty, *That notwithſtanding all thoſe*
'*Prohibitions, great Numbers of them, and of the moſt dan-*
'*gerous Sort, to the Terror of your Majeſty's Proteſtant Sub-*
'*jects, do daily reſort hither, and abide here.* Under theſe
'and other ſad Effects and Evidences, of the Preva-
'lency of Popery, and its Adherents, we your Maje-
'ſty's faithful Commons, found this your Majeſty's
'diſtreſſed Kingdom, and other Parts of your Domi-
'nions labouring, when we aſſembled.

'And therefore from our Allegiance to your Maje-
'ſty, our Zeal to our Religion, our Faithfulneſs to our
'Country, and our Care of *Poſterity*, we have lately
'upon mature Deliberation, propoſed one Remedy of
'theſe great Evils, without which (in our Judgment)
'all others will prove vain and fruitleſs, and (like all
'deceitful Securities againſt certain Dangers) will ra-
'ther expoſe your Majeſty's Perſon to the greateſt Ha-
'zard, and the People, together with all that's valu-
'able to them, as Men or Chriſtians, to utter Ruin
'and Deſtruction. We have taken this Occaſion of
'Acceſs to your Majeſty's Royal Preſence, humbly to
'lay before your Majeſty's great Judgment and gra-
'ous Conſideration, this moſt dreadful Deſign of *intro-*
'*ducing Popery*, and, as neceſſary Conſequences of it,
'*all other Calamities into your Majeſty's Kingdoms.* And
'if after all this the private Suggeſtions of the ſubtil
'Accomplices of that Party and Deſign ſhould yet pre-
'vail, either to elude or totally obſtruct the faithful
'Endeavours of us your Commons, for an happy Set-
'tlement of this Kingdom, we ſhall have this remain-
'ing Comfort, *That we have freed our ſelves from the*
'*Guilt of that Blood and Deſolation which is like to enſue.*
'But our only Hope, next under God, is in your Sa-
'cre

cred Majeſty, That by your great Wiſdom and Good- 1680.
neſs, we may be *effectually Secured from Popery, and all the Evils that attend it*; and *that none but Perſons of known Fidelity to your Majeſty, and ſincere Affection to the Proteſtant Religion, may be put into any Employment, Civil or Military*; *that whilſt we ſhall give a Supply to* Tangier, *we may be aſſured we do not augment the Strength of our Popiſh Adverſaries, nor encreaſe our own Dangers.* Which Deſires of your faithful Commons if your Majeſty ſhall vouchſafe to grant, we ſhall not only be ready to aſſiſt your Majeſty in Defence of *Tangier*, but do whatſoever elſe ſhall be in our Power, to enable your Majeſty to protect the *Proteſtant Religion* at Home and Abroad, and to reſiſt and repel the Attempts of your Majeſty's and the Kingdom's Enemies.

The 13th of November, 1680.

After ſeveral other Arguments offered *pro* and *con* upon the Bill of Excluſion, which were to the ſame Purpoſe as before-mention'd, at laſt the Bill being propoſed by Majority of Votes, was carried in the Affirmative, and was ſent to the Houſe of Lords, where it being read, the Queſtion was put, whether it ſhould be read a ſecond time, it was reſolv'd in the Negative by above a double Majority of Votes; ſo it was thrown out and came to no Effect; and ſoon after, *viz. Jan.* 1681.
the 10th of this Year, the Uſher of the Black Rod came into the Houſe of Commons, to command their Attendance on the King in the Houſe of Lords, which was no ſooner done but they were prorogued to the 20th of *January*, and were upon the 18th diſſolv'd; though Parliament diſſolv'd.
the Commons had, in the Morning of the ſame Day in which they were prorogued, reſolv'd, *That whoever adviſed the King to a Prorogation or a Diſſolution of the Parliament, to any Purpoſe than in order to the Paſſing of a Bill for the Excluſion of* James, *Duke of* York, *was a Betrayer of the King, the Proteſtant Religion, and the Kingdom of* England, *a Promoter of the* French *Intereſt, and a Penſioner of* France: But all avail'd nothing, both prorogued and diſſolved they were, and another ſummon'd to meet on the 21ſt of *March* following at *Oxford*: Hereupon ſeveral of the Lords petition'd the King againſt the Meeting of the Parliament there, ſetting forth the ill Conſequences thereof, as, *That neither Lords*

1681. *ner Commons could be in Safety there, but exposed to the Swords of the Papists and their Adherents, as also the Remoteness of the Place would be a Discouragement to the Evidence against the Popish Plot, and such Judges and others whom the Commons had Impeach'd, or had resolved to Impeach, could neither bear the Charge of going thither, nor trust themselves under the Protection of the Parliament, that would be it self in that Place under the Power of Guards and Soldiers.*

But for all the Petition, and the Validity of the Arguments therein, the King stood firm to his Resolution, and at the Time appointed the Parliament met at *Oxford*; the Members of the Commons were generally the same as the last Parliament, and those that were not so, yet were for the same Interest as the others had been, so that they harp'd upon the same String as the Members of the last had done, *viz. the Bill of Exclusion*, but had not Time to bring it to Perfection: For they were permitted to sit but Seven Days; for on *Monday* Morning, the 27th of the same Month, the King came suddenly and unexpectedly into the House of Peers, and dissolved the Parliament, to their no small Amazement, as well as the whole City of *Oxford*.

Parliament meet at *Oxford*.

Dissolved.

Now it is time to leave these remote Things, and return to the Duke, and to follow his Person a little closer, who was now constituted High-Commissioner and sent for *Scotland*, to be present at the Sitting of the Parliament there, for the better Settlement of that Nation's Affairs: About the Beginning of *July*, the Duke (having arriv'd in *Scotland* some time before) went into the Council, where his Commission being read with profound Reverence, he took his Place of High-Commissioner in Council, with all the usual Ceremonies; and upon his Return to the Palace, had his Commission carried before him in a little Bag, attended by the Lords of the Council, and other Nobles, in a very ample Manner.

Parliament met in *Scotland*.

On the 28th of *July*, the Parliament being assembled, the Duke took his Place under a Cloth of Estate, and made a Speech, exhorting them, without Delay, to study all effectual Means for the Settlement of the Affairs of that Kingdom: Hereupon a Committee for the Articles of Religion was constituted, the Earl of *Argile* being one of the Lords of the Articles, was also one of the Committee appointed by the Duke; but the Committee

ittee preparing an Act for the Security of the Prote- 1681.
ant Religion, which approved the Confeſſion of Faith;
alſo the Act containing the Coronation-Oath, to be
ken by all the Kings and Regents in *Scotland* before
eir Entry to exerciſe their Government: Theſe
cts being not grateful to the Duke's Palate, the
ommittee was diſcharged from ever meeting again.
t laſt an Act for the Security of the Proteſtant Reli-
ion, to which a Teſt was adjoined, was paſſed. This
ct and others, made in this Parliament, were thought
y ſome leſs binding than what were in Force before;
erefore the Earl of *Argile*, ſeconded by Sir *George*
ockart, and the Preſident of the Seſſions, propoſed,
hat all Acts againſt Popery might be added; which, tho'
ropoſed by the King's Advocate, and ſome of the
lergy, yet it paſſed without a Vote; hereupon many
lembers, out of Jealouſie of the Invalidity of theſe
cts paſſed, deſired other Additions and Acts, for the
ore firm Security of the *Proteſtant Religion*, which the
uke in open Parliament promiſed, when Time and
pportunity offered; but when at any Time that was
ropoſed, the Teſt was obtruded.

Here the Duke brought in a Bill that paſſed into an
ct, entituled, *An Act aſſerting the Right of Succeſſion to*
e Imperial Crown of that Kingdom; wherein it was
igh-Treaſon to affirm, *That the Succeſſion of the Crown of*
cotland could be altered from the next of Proximity of
lood; which was ſucceeded by the Teſt, to be taken
y all Perſons in Publick Employments. Here the Earl
Argile incurr'd the Duke's Diſpleaſure, by putting
s own Senſe and Interpretation upon the Teſt, before
e took it; but it will not be improper to inſert the
eſt it ſelf in this Place.

I Solemnly ſwear in the Preſence of the Eternal God, whom I invoke as Judge and Witneſs, of the ſincere Intention of this Oath, that I own and ſincerely profeſs the true *Proteſtant Religion*, contained in the Confeſſion of Faith recorded in the firſt Parliament of King *James* VI. and that I believe the ſame to be founded on and agreeable to the written Word of God, and I promiſe and ſwear, that I ſhall adhere thereunto, during the Days of my Life-time, and ſhall endeavour to educate my Children therein, and ſhall never conſent to any Change or Alteration contrary there- The *Scots* Teſt.

1681. ‘ to, and inconſiſtent with the *Proteſtant Religion* and
‘ Confeſſion of Faith: And for Teſtification of my O-
‘ bedience to my moſt gracious Sovereign *Charles* II. I
‘ do affirm and ſwear by this my ſolemn Oath, that the
‘ King's Majeſty is the only ſupream Governour of this
‘ Realm, over all Perſons, and in all Cauſes, as well Ec-
‘ cleſiaſtical as Civil, and that no Foreign Prince, Per-
‘ ſon, Pope, Prelate, State or Potentate, hath or ought
‘ to have any Juriſdiction, Power, Superiorities and
‘ Authorities here; and do promiſe, that for henceforth
‘ I ſhall bear Faith and true Obedience to the King's
‘ Majeſty, his Heirs and lawful Succeſſors; and to my
‘ Power ſhall aſſiſt and defend all Rights, Juriſdictions,
‘ Prerogatives, Privileges, Perferments and Authorities
‘ belonging to the King's Majeſty, his Heirs and lawful
‘ Succeſſors. And I further affirm and ſwear by this my
‘ ſolemn Oath, that I judge it unlawful for Subjects
‘ upon Pretence of Reformation, or any other Pretence
‘ whatſoever, to enter into Covenants or Leagues, or
‘ to convocate, convene or aſſemble in any Councils
‘ Conventions or Aſſemblies, to treat, conſult or deter-
‘ mine in any Matter of State, Civil or Eccleſiaſtical
‘ without his Majeſty's ſpecial Command, or expreſs
‘ Licenſe thereto; or to take up Arms againſt the King
‘ or thoſe commiſſionated by him. And that I ſhall ne-
‘ ver ſo riſe in Arms, or enter into ſuch Covenants or
‘ Aſſemblies: And that there lies no Obligation on me
‘ from the *National Covenant* (commonly ſo called) or
‘ any other Manner or Way whatſoever, to endeavour
‘ any Change or Alteration in the Government, either
‘ in Church or State, as it is now eſtabliſhed by the
‘ Laws of this Kingdom. And I promiſe and ſwear
‘ that I ſhall with my utmoſt Power, defend, aſſiſt and
‘ maintain his Majeſty's Juriſdiction aforeſaid, againſt all
‘ deadly —— And I ſhall never decline his Majeſty's
‘ Power and Juriſdiction, as I ſhall anſwer to God. And
‘ finally, I affirm and ſwear, that this my ſolemn Oath
‘ is given in the plain genuine Senſe and Meaning of
‘ the Words, without any Equivocation, mental Reſer-
‘ vation, or any manner of Evaſion whatſoever: And
‘ that I ſhall not accept, or uſe any Diſpenſation from
‘ any Creature whatſoever.

So help me God.

The

This Teſt was to be taken by all that held any Places of Truſt or Profits under the King, in the Kingdom of *Scotland*; which the Earl of *Argile*, after many Scruples and Conteſts, took on the 12th of *November*, as a Privy-Councellor, having Liberty to make his Explication on it before. The next Day, when he was to take it, as a Commiſſioner of the Treaſury, he produced the Paper, according to the Duke's Command, varying the Senſe (as many had done the ſame before him) in which he took the Teſt the preceding Day, and in which he would take the ſame, as a Commiſſioner of the Treaſury: But upon Conſideration of his Explication, it was reſolved by the Council, That he could not ſit in Council, he not having taken the *Teſt* in the Senſe and Meaning of the Act of Parliament, and therefore was removed. 1681.

For the Reader's Satisfaction, I will here inſert the Earl's Explanation, and leave it to his Candour to judge, whether it deſerved the Judgment that was pronounced afterwards againſt him for the ſame.

E. of *Argile*'s Explanation of the *Teſt*.

I have conſider'd the Teſt, *and I am very deſirous to give Obedience as far as I can. I am confident the Parliament never intended to impoſe contradictory Oaths: Therefore I think no Man can explain it, but for himſelf. Accordingly I take it, as far as it is conſiſtent with it ſelf and the Proteſtant Religion. And I do declare, That I mean not to bind up my ſelf in my Station, and in a lawful Way, to wiſh and endeavour any Alteration, I think to the Advantage of Church or State, not repugnant to the Proteſtant Religion, and my Loyalty. And this I underſtand as a Part of my Oath.*

The Explanation being taken into the Councils Conſideration, they put many falſe Gloſſes and ſiniſter Interpretations upon it, as may be read at large in the Earl's Caſe.

So that upon *Tueſday*, the 8th Day of *November*, a Council was called, without calling the Earl to it, and an Order was ſent by one of the Clerks of the Council to the Earl; *That before Twelve of the Clock the next Day, he ſhould enter himſelf a Priſoner in the Caſtle of* Edenburgh, *and a Warrant was ſent to the Deputy-Governour to keep him Priſoner.* At the Receipt of the Order, the Earl, depending on his Integrity, went in a Hack-

1681. ney-Coach and ſurrendred himſelf Priſoner. Some Days after his Confinement, he wrote a Letter to the Duke, acquainting him how he had obeyed his Highneſs and the Councils Order, in ſurrendring himſelf Priſoner, and how that he wrote no ſooner, leſt he might be thought impatient of Impriſonment, which appeared to be the Effects of his Highneſs's Diſpleaſure, which he hoped he no ways deſerved, and was reſolved to continue all Duty and Obedience to his Majeſty and Highneſs, and begged to know what Satisfaction was expected, where, and how he might live in his Highneſs's Favour. There was no Anſwer made to his Letter, but ſoon after out came a Summons, charging the Earl with leaſing-making, and depraving of Laws, and afterwards another, charging him with *Perjury* and *Treaſon*.

On the 8th of *November*, being that ſame Day that the Council ordered the Earl to ſurrender himſelf Priſoner, the Council diſpatched an Account thereof to the King, in a Letter, which is as followeth.

S. Councils Letter to the King about the Earl of *Argile*.

May it pleaſe your Sacred Majeſty,

'THE laſt Parliament having made ſo many and ſo advantageous Acts, for ſecuring the *Proteſtant Religion*, the Imperial Crown of this Kingdom, and your Majeſty's Sacred Perſon (whom God Almighty long preſerve:) And having for the laſt, and as the beſt Way for ſecuring all theſe, appointed a Teſt to be taken by all who ſhould be entruſted with the Government, which bears expreſly, that the ſame ſhould be taken in the plain and genuine Senſe and Meaning of the Words; we were very careful not to ſuffer any to take the ſaid Oath or Teſt, with their own Gloſſes or Explications: But the Earl of *Argile* having, after ſome Delays, come to Council to take the ſaid Oath, as a Privy-Councellor, ſpoke ſome Things which were not then heard nor adverted to, his Lordſhip at his next offering to take it in Council, as one of the Commiſſioners of your Majeſty's Treaſury, was commanded to take it ſimply: He refuſed to do ſo, but gave in a Paper, ſhewing the only Senſe in which he would take it; which Paper we all conſidered as that which had in it groſs and ſcandalous Reflections upon that excellent Act of Parliament, making it contain Things contradictory and inconſiſtent;

ſiſtent; and thereby depraving your Majeſty's Laws, 1681.
miſrepreſenting your Parliament, and teaching your Subjects to vacate and diſappoint all Laws and Securities that can be enacted for the Preſervation of the Government; ſuitable to which, his Lordſhip declares in that Paper, *That he means not to bind up himſelf from making any Alterations he ſhall think fit, for the Advantage of Church or State*; and which Paper he deſires may be looked upon as a part of his Oath; as if he were the Legiſlator, and able to add a part to the Act of Parliament. Upon ſerious Peruſal of which Paper, we found our ſelves obliged to ſend the ſaid Earl to the Caſtle of *Edenburgh*, and to tranſmit the Paper to your Majeſty, being expreſly obliged to both theſe by your Majeſty's Advocate, to cauſe a Purſuit againſt the ſaid Earl, for being Author, and having given in the ſaid Paper. And for the further Proſecution of all relating to this Affair, we expect your Majeſty's Commands, which ſhall be humbly and faithfully obeyed by

Your Majeſty's moſt Humble,

moſt Faithful, and moſt Obedient

Subjects and Servants,

denburgh,
Nov. 8. 1681.

Sic Subſcribitur, *Glencairne, Wintonne, Linlithgow, Perth, Roxburgh, Ancram, Airlie, Levingſtoun, Jo. Edinburgen, Roſs, Geo. Gordoun, Ch. Maitland, Geo. Meckenzie, Ja. Foulis, J. Drumond.*

The King's Anſwer to the Councils Letter, ran us.

C. R. Nov. 15. 1681.

MOST Dear, &c. having in one of your Letters directed unto us, of the 8th Inſtant, received a particular Account of the Earl of Argile's *refuſing to take the* Teſt *ply, and of your Proceedings againſt him, upon the Occaon of his giving in a Paper, ſhewing the only Senſe in which* King's Anſwer.

1681. *which he will take it; which had in it groſs and ſcandalous Reflections upon that excellent late Act of Parliament there, by which the ſaid Teſt was enjoined to be taken; we have now thought fit to let you know, that as we do hereby approve theſe your Proceedings, particularly your ſending the ſaid Earl to our Caſtle of* Edenburgh, *and your commanding our Advocate to raiſe a Purſuit againſt him, for being Author of, and for having given in the ſaid Paper; ſo we do alſo authorize you to do all Things that may concern the further Proſecution of all relating to this Affair. Nevertheleſs, it is our expreſs Will and Pleaſure, that before any Sentence ſhall be pronounced againſt him, at the Concluſion of the Proceſs, you ſend a particular Account of what he ſhall be found guilty of; to the end, that after our being fully informed thereof, we may ſignifie our further Pleaſure in this Matter. For doing whereof,* &c.

In the mean while, the Earl petition'd the Duke and Council, that Sir *George Lockhart* might be his Advocate to plead his Defence, which was not thought adviſeable to grant him. However, the Earl drew up a Letter of Attorney, conſtituting *Alexander Dunbar* to require Sir *George Lockhart* to plead for him. When the News hereof came to the Duke's Ears, it is affirm'd he ſhould ſay, *He ſhould never plead for him and the King hereafter.*

On the 12th of *December*, the Earl was brought by a Guard of Soldiers before the Juſtice-Court, where the Earl of *Queensbury* was Chief Juſtice-General, and the Lords *Narin*, *Collingtown*, *Newtown* and *Kirkhou*, Lords Judicatory, ſitting in Judgment.

After the Indictment was read, the Earl in his own Defence made the following Speech, which comprehending a ſhort pathetical Hiſtory of his and Loyalty from his Cradle to this Time, it will not be improper to tranſmit it to Poſterity.

My Lord Juſtice-General, &c.

Earl of *Argile*'s Speech at his Tryal.

'I Look upon it as the undeniable Privilege of the meaneſt Subject, to explain his own Words in the moſt benign Senſe: And even when Perſons are under an ill Character, the Miſconſtruction of Words themſelves not ill, can only reach a Preſumption or Aggravation, but not any more.

'But it's ſtrange to alledge, as well as, I hope, im- 1681.
poſſible, to make any that know me believe, that I
could intend any thing but what was honeſt and ho-
nourable, ſuitable to the Principles of my Religion
and Loyalty, tho' I did not explain my ſelf at all.

'My Lord, pray you be not offended, that I take
up a little of your Time to tell you, I have from my
Youth made it my Buſineſs to ſerve his Majeſty faith-
fully, and have conſtantly, to my Power, appear'd
in his Service, eſpecially in all Times of Difficulty,
and have never joined nor complied with any Intereſt
or Party, contrary to his Majeſty's Authority; and
have all along ſerved him in his own Way, without a
Frown from his Majeſty, theſe Thirty Years.

'As ſoon as I paſſed the Schools and Colleges, I went
'to travel to *France* and *Italy*, and was abroad 1647,
1647, and till the End of 1649.

'My firſt Appearance in the World was to ſerve his
'Majeſty, as Colonel of his Foot-Guards. And tho' at
that Time all the Commiſſions were given by the then
Parliament, yet I would not ſerve without a Commiſ-
'ſion from his Majeſty, which I have ſtill the Honour
'to have by me.

'After the Misfortune of *Worceſter*, I continued in
'Arms for his Majeſty's Service, when *Scotland* was
'over-run with the Uſurpers, and was alone with my
'Friends in Arms in the Year 1652, and did then keep
up ſome Appearance of Oppoſition to them. And Ge-
'neral-Major *Dean* coming to *Argile-ſhire*, and planting
ſeveral Garriſons, he no ſooner went away, but we
'fell upon the Garriſons he had left, and in one Day
'took Two of them, and cut off a conſiderable part of
'a Third, and carried away in all about 300 Priſoners.
'And in the End of the Year, I ſent Captain *Shaw* to
'his Majeſty, with my humble Opinion how the War
'might be carried on; who return'd to me with In-
'ſtructions and Orders, which I have yet lying by me.

'After which, I joined with thoſe his Majeſty did
'commiſſionate, and ſtood out till the laſt, that the Earl
'of *Middleton*, his Majeſty's Lieutenant-General, gave
'me Orders to capitulate, which I did without any o-
'ther Engagement to the Rebels, but to live peaceably:
'And did at my Capitulating relieve ſeveral Priſoners
'by Exchange, whereof my Lord *Granard* out of the
'Caſtle of *Edenburgh*, was one.

'It

1681. 'It is notarly known, that I was forefaulted by the 'Uſurpers, who were ſo jealous of me, that, contrary 'to their Faith, within Eight Months after my Capitu- 'lation, upon Pretence I kept Horſes above the Value 'they rear'd on me, I was kept in one Priſon after a- 'nother till his Majeſty's happy Reſtoration: And this 'only becauſe I would not engage not to ſerve his Ma- 'jeſty, tho' there was no Oath required.

'I do with all Gratitude acknowledge his Majeſty's 'Goodneſs, Bounty, and Royal Favours to me, when 'I was purſued before the Parliament in the Year 1662. 'His Majeſty was graciouſly pleaſed not to ſend me 'here in any opprobious Way, but upon a bare verbal 'Parol. Upon which I came down Poſt, and preſent- 'ed my ſelf a Fortnight before the Day. And having 'ſatisfied his Majeſty at that time of my entire Loyal- 'ty, I did not offer to plead by Advocates. And his 'Majeſty was not only pleaſed to pardon my Life, 'and to reſtore me to a Title and Fortune, but to put 'me in Truſt in his Service, in the moſt eminent Judi- 'catories of this Kingdom, and to heap Favours up- 'on me, far beyond whatever I did or can deſerve; 'though, I hope, his Majeſty hath always found me 'faithful and thankful, and ready to beſtow all I have, 'or can have, for his Service. And, I hope, never 'hath, nor never ſhall have Ground to repent any Fa- 'vour he hath done me. And if I were now really 'guilty of the Crimes libelled, I ſhould think my ſelf a 'great Villain.

'The next Occaſion I had to ſhew my particular 'Zeal to his Majeſty's Service, was in *An.* 1666, when 'the Rebellion brake out that was repreſt at *Pentle- 'land-Hills*. At the very firſt, the Intercourſe betwixt 'this Place and me was ſtopt; ſo that I had neither 'Intelligence nor Orders from the Council, nor from 'the General; but upon a Letter from the now Arch- 'biſhop of St. *Andrews*, telling me, *There was a Rebellion 'like to be in the Three Kingdoms, and bidding me beware 'of* Ireland *and* Kintyre, I brought together about Two 'Thouſand Men: I raiſed all the Gentlemen in *Kin- 'tyre* that had not taken the Declaration, tho' I found 'them peaceable. And I ſent a Gentleman to General 'Dalyel, to receive his Orders, who came to him juſt as 'they were going to the Action, and was with him in 'it; and I kept my Men together till his return. And

'when

when I met with conſiderable Trouble from my Neighbours, rebelliouſly in Arms, and had Commiſſions both on publick and private Accounts, have I not carried it dutifully to his Majeſty, and done what was commanded with a juſt Moderation; which I can prove under the Hands of my Enemies, and by many Demonſtrations? 1681.

'Pardon me a few Words: Did I not in this preſent Parliament ſhew my Readineſs to ſerve his Majeſty and the Royal Family, in aſſerting vigorouſly the Lineal legal Succeſſion of the Crown; and had a Care to have it expreſt in the Commiſſions of the Shires and Burghs I had Intereſt in? Was I not for offering proper Supplies to his Majeſty and his Succeſſor? And did I not concur to bind the Landlords for their Tenants, although I was mainly concerned? And have I not always kept my Tenants in Obedience to his Majeſty?

I ſay all this, not to arrogate any thing for doing what was my Honour and Duty to his Majeſty; but, if after all this, upon no other Ground but Words that were ſpoken in abſolute Innocency, and without the leaſt Deſign, except for clearing my Conſcience, and that are not capable of the ill Senſe wreſted from them by the Libel, I ſhould be further troubled, what Aſſurance can any of the greateſt Quality, Truſt or Innocence have, that they are ſecure; eſpecially conſidering, that ſo many Scruples have been ſtarted, as all know, not only by many of the Orthodox Clergy, but by whole Presbyters, Synods, and ſome Biſhops which were thought ſo conſiderable, that an eminent Biſhop took the Pains to write a Treatiſe, that was read over in Council, and allowed to be printed, and a Copy given to me, which contains all the Expreſſions I am charged for, and many more that may be ſtretched to a worſe Senſe?

'Have I not ſhewed my Zeal to all the Ends of the Teſt? How then can it be imagined, that I have any ſiniſter Deſign in any thing that I have ſaid? If I had done any thing contrary to it all the Courſe of my Life, which, I hope, ſhall not be found; yet one Act might pretend to be excuſed by a Habit. But nothing being queſtioned, but the Senſe of Words miſconſtrued to the greateſt Height, and ſtretched to imaginary Inſinuations, quite contrary to my Scope and

'De-

1681. 'Deſign; and ſo far contrary not only to my own 'Senſe, but my Principles, Intereſt, and Duty, that I 'hope my Lord Advocate will think he hath gone too 'far in this Proceſs, and ſay plainly what he knows to 'be Truth, by his Acquaintance with me, both in 'publick and private, *viz. That I am neither Papiſt nor 'Phanatick, but truly Loyal in my Principles and Practices.*

'The Hearing this Libel would trouble me beyond 'moſt of the Sufferings of my Life, if my Innocence 'did not ſupport me, and the Hopes of being vindica-'ted of this and other Calumnies, before this Publick 'and Noble Auditory.

'I leave my Defences to theſe Gentlemen that plead 'for me, they know my Innocence, and how ground-'leſs that Libel is.

'I ſhall only ſay, as my Life hath moſt of it been 'ſpent in Serving and Suffering for his Majeſty, ſo 'whatever be the Event of this Proceſs, I reſolve 'while I breathe, to be Loyal and Faithful to his Ma-'jeſty. And whether I live Publickly or in Obſcurity, 'my Head, my Heart, nor my Hand, ſhall never be 'wanting where I can be uſeful to his Majeſty's Ser-'vice. And while I live, and when I die, I ſhall pray 'that God Almighty would bleſs his Majeſty with a 'long, happy, and proſperous Reign; and that Linea 'legal Succeſſors of the Crown, may continue Mo 'narchs of all his Majeſty's Dominions, and be Defen 'ders of the true Primitive, Chriſtian, Apoſtolick, Ca 'tholick, Proteſtant Religion, while Sun and Moo 'endure.

GOD ſave the KING.

All this Time ſeveral Letters from General *Middlet* and the Earl of *Glencarn* were read, teſtifying the Earl Loyalty and Services to the King, but it ſignified n thing, he was put upon his Tryal, and the Treaſo charged againſt him were reduced or augmented (whi you pleaſe) to theſe Six Heads, *viz. That the Earl in nuated, when he ſaid, I have conſidered the Teſt, and deſirous to give Obedience to it as far as I can; That he w not able to give full Obedience.* 2. *That he was confide the Parliament never intended Contradictory Oaths.* meant thereby, that the Parliament did impoſe Co tradictory Oaths. 3. *That every Man muſt explain for hi ſelf, and take it in his own Senſe*; thereby that excelle

La

Law loſt its Obligations. 4. *That he took the Teſt as far as it was conſiſtent with its ſelf and the Proteſtant Religion*; which Explication depraved the Teſt, and miſrepreſented the King and Parliament's Proceedings in the higheſt Degree. 5. *That he did not mean by taking the Teſt, to bind up himſelf from wiſhing and endeavouring any Alteration, in a lawful Way, which he ſhall think fit for advancing the Church and State*; where by his Example, he invited others to be looſe from the Teſt, to make Alterations. 6. *That he underſtood this as part of his Oath*; which was a Treaſonable Invaſion upon the Legiſlative Power, as if it were lawful for him to make to himſelf an Act of Parliament. 1681.

To theſe Treaſonable Poſitions, *Argile*'s Council (which he had allow'd at laſt) *viz. George Lockhart* and Sir *John Dalrymples*, anſwered, That the Earl having before always dutifully and loyally behaved himſelf to the King, his Words and Intentions ought to be interpreted in the beſt Senſe, and in his Favour. 2. That the Act againſt Leaſing-making, and depraving the King's Laws, were for plain Words and Speeches, tending to make Diſcords between the King and People, and were never intended againſt a Perſon in Judicature, required to give the true Senſe of a Law to the beſt of his Skill and Conſcience; and that it ſhould be ſtrange in ſuch a Caſe, that this ſhould be a Crime, if one Man differ from another; whereas oftentimes not only learned Lawyers, but the Judges themſelves differ, about the Interpretation of Laws. 3. That the Act of Parliament does not impoſe the Teſt generally, but as a Qualification for thoſe who ſhall bear a publick Office; and therefore 'tis juſt and commendable in any Perſon, who has a Scruple of Conſcience upon him, to declare his Meaning in taking of it, how he underſtands it; it matters not whether he errs or not, for, *Conſcientia etiam erronea obligat*, eſpecially where a Man's Conſcience is oppoſite to his Intereſt, as in this Caſe, to loſe a Preferment; nor was this any Reflection by the Earl upon the Act of Parliament, nor their Prudence in impoſing the Teſt. Tho' the Earl could not take the Teſt otherwiſe than he explained it, yet by that Act there was no greater Penalty than that *Habetur pro Recuſante*, he ſhould not hold his Place of Truſt. (For the better apprehending this Argumentation, the Reader is to obſerve, that the Teſt was not to be impoſed upon

Arguments upon the Earl's Tryal.

1681. upon any but thoſe that bare Offices, and the Earl of fer'd to lay down all his Offices before, but was denied.) 5. That the Council allowed the Earl's Explanation, by bidding him take his Place (which the Duke did the firſt Day the Earl took the Teſt) after he had made his Explication. 6. The Earl's Explanation could not be Treaſonable, *viz.* *Animo defamandi*, whereas he made it only to the Council, when required; whereas ſome Biſhops, whole Presbyteries, and Synods, had made Explanations of the Teſt, and, in down-right Terms, charge it with Inconſiſtencies and Contradictions, and theſe allow'd to be printed before the Earl made his; and even the Council themſelves had made an Explication of it, before the Earl was tryed, tho' the Parliament was then in being, and this made publick. 7. That the Earl, by making his Explanation, has aſſumed a Legiſlative Power: To which it was anſwer'd, The Legiſlative Power extends to all, but the Earl's Explanation refers only to himſelf, how he underſtood he might take the Teſt; and this was done without any Diminution to the Legiſlative Power, of making or interpreting Laws: And if the Legiſlative Power be not ſatisfied, it cannot extend any farther, than that the Earl will be a Refuſer of the Oath, which is neither Treaſon nor Perjury, as was charged upon the Earl.

Farther, That as the Earl was ready to give Obedience as far as he could, it did not import that the Parliament had impoſed an unlawful Oath: For here was no Impeachment of the Juſtice or Prudence of the Law-giver, nor can any Law be ſo plain, eſpecially Affirmative Laws, as this is, that every Man ſhall underſtand it alike, and if one Man declares one Senſe of it, and another otherwiſe, how does this become Treaſon in one or the other, or import the Injuſtice or Illegality of the Law? 9. That the Earl was confident the Parliament never intended Contradictory Oaths; which was ſo far from being Treaſon, that, conſidering the plain down-right Objections ſpread abroad, of the Inconſiſtencies and Contradictions of the Teſt, it was an high Vindication of the Parliament. 10. He thinks no Body can explain it but for himſelf. Which having no Reference to any other, this cannot be taken for any Diminution of the Parliamentary Authority, or depraving of the Law. 11. That he takes it

far as it is consistent with it self, and the Protestant 1681.
eligion; if this be a Crime, the Earl is neither the
ginner nor the Promoter of it; for the Earl said this
ly for himself, and was positive in it, being required
the Council to make this Explanation. and if they
vulged it, it was their Fault. 12. That he did
t bind up himself in his Station, and in a lawful Way
t to wish and endeavour any Alteration, he thinks,
the Advantage of the Church and State, not repug-
nt to the Protestant Religion and his Loyalty. This
s Reference to the Earl in his Station, as he is a
er of *Scotland*, who has not only a Right in Parlia-
nt to debate freely of any Law in being, but is a
ember which has a Legislative Right and Vote
repeal, as well as make Laws; and herein can no
re bind up himself, than one Act of Parliament can
nd up another Parliament.

Here Sir *George Mackenzey*, the King's Advocate,
de a long Discourse, to make good the Indictment
ainst the Earl, alledging, That this excellent Law the
st was established in Opposition to the jugling Cove-
nt, purposely to prevent Evasions and mental Reser-
tions: And that no Law was of a private Interpreta-
n, and if it were, Men should be loose from all Obe-
nce to all Law; and concluded, That there was no
rce upon the Earl to take the Oath, but that he took
or his own Advantage.

I cannot but take Notice here of this last Allegation,
at the Earl was left at Liberty to chuse whether he would
e the Oath or no. This is altogether inconsistent with
e Truth and Matter of Fact (as was confidently af-
med by those of the Duke's Party) for though the
th was not to be imposed by Act of Parliament till
e 1st of *January*, yet the Duke, in the Beginning of
ember before, had ordered to summon the Earl to the
uncil the next Day, and, with much ado, the Earl
ain'd a Delay but till the next Council-Day, which
s of Course the 3d of the same Month. Farther,
Test was not to be imposed on any but those who
e Office (as it was argued by the Advocates) and
Earl was desirous (as is said) to have laid down all
Offices before he took the Test, yet it was denied
n. However, after several Argumentations and
adings on both Sides, for and against the Earl, on
13th of *December*, the Jury, the Marques of *Men-*

1681. *troſs* being Fore-man, found with one Voice the Ea
guilty of Treaſon, Leaſing-making and Leaſing-telling
Earl found guilty. but after a Plurality of Votes (after they were ſure hi
Life was gone) found him innocent and not guilty o
Perjury. The next Day the Council gave Notice t
the King, that the Earl, after a fair Trial (as they ſaid
was found guilty, and expected his Majeſty's furthe
Pleaſure, ſo as to pronounce a Sentence upon him, an
animadverted the King, *That it was moſt fit to his Ma
jeſty's Service, and the Advantage of the Crown, to have
Sentence pronounced.* The King ſent them an Anſwe
with all Speed, That it might be pronounced; but th
the Execution thereof might be delay'd till his furthe
Pleaſure. Yet Mr. *Coke* obſerves, that the very ſam
Day, *viz. Dec.* the 14th, that the Council ſent to th
King the Earl's Sentence, it was paſt upon him. Th
Earl to make a Trial of all Means, under his depl
rable Circumſtances, on the 15th ſent a Friend to th
Duke, humbly intreating that the Earl might ſpea
with him: The Duke reſented the Meſſage ſo paſſio
nately, that he ſaid, *It was not ordinary to ſpeak with Cri
minals, except with Rogues on ſome Plot, where Diſcoveri
might be expected.* Then he petitioned the Duke, th
he might be permitted to ſend a Petition to the King
which was deny'd him.

Things being brought to this lamentable paſs, th
Earl underſtanding that new Orders were given, th
the Caſtle-Guards were to be doubled, and none to pa
without ſhewing their Faces. Before theſe Orders we
put in Execution, he, by changing Cloaths with h
Makes his Eſcape. Daughter, made his Eſcape out of the Caſtle, and g
ſafe into *Holland*. It was then confidently reporte
that ſome of the Council did thereupon eagerly mov
that his Daughter might be puniſhed with the utmo
Severity for it, and would have her whipt throu
Edinburgh; but that his Highneſs anſwer'd, *They w
not wont to be ſo cruel to Ladies in his Country*; and ſo t
Matter ceaſed. Therefore we will leave it and the
ſtreſſed Earl at preſent in his Exile, though, before t
Concluſion of this Hiſtory, we will have Occaſion
return to him again, and follow him to his laſt unf
tunate *Exit*; but here we will not forget, that after t
Earl's Eſcape, the Lords of the Aſſizes, upon the
of this Month, pronounced the Earl guilty of Cri
of Treaſon, Leaſing-making, and Leaſing-telling;
wh

hich being detain'd in the Caſtle of *Edenburgh*, out of 1681.
hich, ſince the Verdict, having made his Eſcape,
erefore they adjudged the ſaid Earl to be executed to
eath, and his Name, Memory and Honours to be
tinct, and his Arms to be riven forth, and delete out
the Book of Arms, that his Poſterity might never
ve Place, nor be able hereafter to bruik or joyſe any
onour, Offices, Titles, Dignities, within this Realm,
Time coming, and to have forfeited all his Lands
d Tenements.

The Duke having ſtaid in *Scotland* the moſt part of
e Winter, about the Middle of *March*, Notice was 1682.
ven him by Mr. *Griffin*, who was ſent for that Pur-
oſe by the King, of the Death of the Princeſs *Iſabella*;
hereupon the Duke returned for *England*, leaving his The Duke
utcheſs behind him at *Edenburgh*. After his Arrival, goes for
poſted to *New-Market*, to wait upon the King, and *England*.
er a ſhort Continuance there, the King and Duke
urned to *Whitehall*, whither the next Morning re-
ired the Lord Mayor and Aldermen, to wait upon
e King, and by his Permiſſion, congratulated the
uke's happy Arrival; but the Duke on the 3d of *May*
fter he had taken his Leave from the King and Queen)
ith ſome Retinue, came from *Windſor* to *Putney*, where
entred his Barge, and paſſing down the River went
Board his Majeſty's Yachts, who fell down to *Mar-*
et Road, where the following Day, *viz.* *Thurſday*
e 4th of *May*, the Duke went on Board the *Glouceſter* Returns
n order for his Return to *Scotland*, to his Dutcheſs by Sea to
ere) about Nine of the Clock in the Morning, and *Scotland*.
ing Saluted by the Ships (according to Cuſtom) that
tended upon him, *viz.* the *Happy Return*, the *Ruby*,
e *Pearl*, and the *Dartmouth*, they lay by, driving off
l Eleven of the Clock (to diſpoſe of the Duke's
oods and Retinue) and then made Sail, the Wind at
uth. In the Afternoon the Wind changed ſeveral
nes, and at Half an Hour paſt Eight at Night, they
me to an Anchor, the *Naſe-Land* bearing W. by N.
Leagues off. About 8 of the Clock on *Friday* Morn-
g they weighed, the Wind ſtanding then at E. N. E.
d made a ſmall Trip to the South-Eaſt, and at Nine
Clock tack'd, having 25 Fathom Water, and ſtood
ay N. N. and by E. Thus they ſailed till about
alf an Hour paſt One in the Afternoon, the Steeples
Dunnage bore W. and by N. 3 Leagues off, the Ships

1682. lay at N. and by E. the Tide of Flood againſt them; and at Eight of the Clock in the Evening they deſcry'd the *Laſtafe*, and bore W. N. W. 2 Leagues off, the Wind at Eaſt a freſh Gale. The Yacht being by the time A-head and to Windward, bore up to them. Here the Duke, apprehenſive of ſome Danger, called to Captain *Gunman*, and Capt. *Saunders*, and demanded their Opinion, whether that Courſe would, without tacking to the Southward, carry them to Windward of the *Newark* and Sands without *Yarmouth*? The Captains were of Opinion, That the Courſe was hazardous and the Sands could hardly be weathered; that it was the moſt adviſable and the ſafeſt Way to ſtand off, or elſe they could not weather the Sands; but Capt. *Ayres* their Pilot, counted at that time the ableſt One to Northward, ſaid, *That he could weather the Sands*, and was much diſſatisfied that any one ſhould miſtruſt his Judgment; but the Duke fearing the Danger, ſaid, *it would be a ſecure Way to tack and ſtand off till about Twelve of the Clock at Night, and then they ſhould have Room enough to weather the Sands*: To which the Pilot (though very much againſt his Will and Judgment) was obliged to agree; then they tack'd and ſtood away S. E. having a Windward Tide under them. At Half an Hour paſt Nine, the Pilot with great Urgency deſired to tack again, but his Royal Highneſs was ſtill of Opinion to ſtand off longer, giving no other Reaſon than *ſtat pro Ratione Voluntas*. The Pilot a little diſturb'd hereat, anſwer'd, *That he would engage his Life, that if they took hold of the preſent Opportunity, and tack'd preſently, they ſhould without the leaſt Danger and Hazard, weather all the Sands*; urging, *that the Effects of Delays were dangerous*: But notwithſtanding his Arguments, the Duke commanded him to ſtand off a Glaſs longer: At Ten a-Clock they tack'd and ſtood cloſe haled N. and by E. and N. N. which Courſe in ſome meaſure weather'd the *Newark* Sands; the Wind very ſtrong at Eaſt, they continued the ſame. They ſteer'd all Night N. N. E. till Two of the Clock the next Morning, the Wind being at West, then they ſteer'd North, and at Four of the Clock N. N. W. thinking that this Courſe would carry the Ships out of all Danger, and that they were paſt the *Lemmon* and *Oar*; but to their great Danger and Prejudice, it proved otherwiſe; for about Half an Hour paſt Five on *Sunday* Morning, they ran a-ground

e Weſt Point of the *Lemmon*, having juſt before 1682.
unded, and had 20 Fathom Water. The Ship (*viz.*
e *Glouceſter*, in which the Duke was) beat along the *Glouceſter*
nd, not ſitting faſt, while the Rudder held they bore runs a-
way Weſt, and upon every Lift of the Sea went off; ground.
laſt a terrible Blow ſtruck off the Rudder, and as
s believed, ſtruck out a Plank nigh the Poſt, which
ade Eight Foot Water in a Moment; upon which
al Accident the Commander, Sir *John Berry*, left no
eans unattempted, by putting all the Pumps to work
bring it off, but all to no Purpoſe, for the Water
reaſing, and no manner of Hopes being left, the
rge was hoiſted out, and the Duke with all Expedi- Duke like
n, having taken ſome Perſons of Quality with him to be caſt
the Boat, rowed away to the Yachts. But here I away.
nnot paſs by in Silence, that ſeveral Perſons being
ſſengers, beſides Common Seamen, committed them-
ves to the Sea, and thoſe that could Swim made up
the Boat where the Duke was, and grappled on
Sides thereof, endeavouring to get into it, (but
ether it was barbarous or juſtifiable, under ſuch Cir-
mſtances, I will leave the Reader to judge) their
nds were ordered to be cut off as they ſtrove to get
o the Boat, grappling on the Sides thereof; and
reby they were deprived not only of getting into
Boats that came to their Aſſiſtance from the other
ps, but alſo of the Ability of Swimming.

After the Duke got ſafe into the *Mary* Yacht, the
of the Yachts had Orders to Anchor, and to ſend
their Boats, as did likewiſe the *Happy Return*, the
er Three Frigats in the Storm having loſt Compa-
but it was too late; for by this time the *Glouceſter*
s ready to ſink, and all the Seamen in her, her Head
ng caſt about to the S. W. and by W. and the Wa-
increaſing as high as the Gun-Deck; however, the
Lifting of the Sea forced her off the Sand, and ſhe
t into 15 Fathom Water. At laſt they Anchored,
brought her Head up almoſt to Windward, and
working with the Pumps and Bailings, but to no
poſe, the Water increaſed ſo faſt, that it was about
ree Foot above the Gun-Deck, before the Men that
e in the Ship endeavoured to ſhift for themſelves,
few eſcaped, for the Boats were not near them,
the Ship all of a ſudden ſunk, and many periſh'd
er, but Sir *John* the Captain of it, eſcaped by a

1682. Rope over the Stern into Captain *Wybourn*'s Boat. S
that the Earl of *Roxborough*, Lord *O-Brian*, the Lai
Hopton, Sir *Joſeph Douglas*, and Mr. *Hide*, with ſev
ral of the Duke's Domeſticks, and many other Pa
ſengers, beſides above 130 Seamen were loſt.

The Pilot was apprehended and carried on Boar
Captain *Saunders*, who had Orders to detain and ſecu
him, till he ſhould be Tryed, which was done ſom
time after; and thereupon he was committed to th
Marſhalſea Priſon.

There was this moſt remarkable Medalion ſtru
upon his Highneſs's wonderful Preſervation, in th
ſad Diſaſter; the Words being

Jacobus Dux Eboracenſis & Albanenſis G. B. F.

The Reverſe is,



Impavidum Ferunt,


IMPAVIDUM FERIUNT.
JACOBUS DUX EBORACENSIS ET ALBANENSIS
1682

LXXXII

1682. The Duke, after this ſad Diſaſter, arrived at the deſired Country, and ſoon after, *viz.* on the 8th of *May*, went to Council, and there declared, That it was his Majeſty's Pleaſure to conſtitute the Lord of *Haddo* Lord-Preſident of the Seſſions, Lord-Chancellor of the Kingdom, the Earl of *Queensbery* Lord-Treaſurer, and the Earl of *Perth* Lord-Juſtice-General; and then having taken his ſolemn Leave, on the 12th of *May* left *Edenburgh*, and, together with his Royal Conſort, with a great Train of Nobility, went to *Perth-Road*, where embarking on his Majeſty's Frigat, the *Happy Return*, on the 26th arrived ſafe at the *Buoy* in the *Gunfleet*; of which an Expreſs coming to *Windſor*, their Majeſties, attended with a ſplendid Train of Nobility, came the next Day in their Coaches to *Putney*, and there took Barge, and went down the River to meet the Duke and his Dutcheſs; which they did at *Eriff*; and at the Approach of the King's Barge the Ships in the Road ſaluted him with a general Diſcharge of their Cannon: Then their Royal Highneſſes entred the Barge, and after ſome Expreſſions of Joy for the Duke's happy Deliverance from the Danger of the Sea, their Majeſty's, the Duke and his Dutcheſs, came to *Whitehall*, where they landed, being ſaluted all the way up the River by the Ships in the Road, and Guns from the *Tower*; from whence they went to *Arlington-Houſe*, where they were entertain'd with a ſumptuous Banquet, whither the Lord-Mayor and Court of Aldermen of the City repaired, to congratulate their Royal Highneſſes happy Return, which was gratefully accepted by the Duke, of whom the remaining part of this Year, and the Two following ones, we have little to ſay, but only we are to obſerve, that the Duke had the Misfortune (if it may be ſo call'd) to accompany the King, on the 13th of
1683. *July* the next Year, to the *Tower*, where the Earl of *Eſſex* was then a Priſoner, and on that very Day murthered himſelf, or was murthered by others, which we do not determine.

This, together with the Condemnation of the Lord *Ruſſel* (who, as we informed you before, promoted the *Bill of Excluſion* very much) gave no ſmall Encouragement to them that were not the Duke's Friends and Confidents, to ſay, *That he was acceſſary to both their Deaths*, and the rather, becauſe my Lord *Ruſſel*, in his Paper delivered to the Sheriff upon the Scaffold, ſays

That

hat his Earneſtneſs in promoting the Bill of Excluſion had 1683.
ſmall Influence on his then Sufferings.

We can relate nothing elſe that is very remarkable
oncerning his Royal Highneſs for the Remainder of
is Brother's Reign; only, that he ſeem'd to influence
l his Councils, while the King himſelf grew careleſs
f his Affairs, and ſaunter'd his Time away till, I may
y, the fatal Day came; for upon *Monday*, the 2d of
ebruary this Year, he was ſuddenly ſtruck with a vio- 1684.
nt Fit (as it was given out) of the Apoplexy; let
e Cauſe be what it will (a Prince always dies of ſome
iſeaſe or other in the Phyſicians Catalogue) he ex-
red upon the *Friday* following, about Noon. Imme- King
ately thereupon, ſuch of the Lords of the deceaſed *Charles*'s
ing's Privy-Council, together with ſuch other of the Death.
ords Spiritual and Temporal as were in Town, aſ-
mbled together, and ſign'd a Proclamation for pro- Duke of
aiming the Duke of *York* and *Albany* King, by the *York* pro-
ame of *JAMES* the Second. claimed
And ſuch Celerity was performed in getting all King.
hings ready that were proper for the Ceremony, that
e Afternoon of the ſame Day the King died, the Pro-
amation was read in all the moſt uſual Places of the
ity: Hereupon, in regard that by the Death of the
ceaſed King, moſt part of the Offices and Places
Juriſdiction and Government within the Realms of
ngland and *Ireland*, did ceaſe and fall; King *James*
or ſo we muſt call him for the future) reſerving to his
wn Judgment hereafter, the Reformation and Redreſs
any Abuſes or Miſgovernment, upon Knowledge and
xamination thereof, was pleaſed to declare, That all
erſons, who at the Deceaſe of the late King were
ly and lawfully poſſeſs'd of, or inveſted in any Of-
e, whether Civil or Military, within the Realms of
ngland or *Ireland*, or in any other of his Dominions
ereto belonging, particularly all Preſidents, Lieute-
nts, Vice-Preſidents, Juſtices of the Peace, Sheriffs, *&c.*
ould be, and ſhould hold themſelves continued in the
id Places and Offices, as formerly they held and en-
y'd the ſame, until the King's Pleaſure ſhould be fur-
er known.
And farther, for the Preſervation of the Peace, he
clared, That all Perſons then in Offices, of whatſo-
er Degree or Condition, ſhould not fail, every one
cording to his Place, Office or Charge, to proceed
in

1684. in the Performance and Execution of all Duties there belonging, as formerly appertained to them while the late King was living. And that all the King's Subjects in general ſhould be aiding and aſſiſting at the Command of the ſaid Officers and Miniſters, in the Performance of their reſpective Offices and Places, upon Pain of the King's Diſpleaſure. Laſtly, That all Orders and Directions made or given by the Lords of the Privy-Council of the late King, in his Life-time, ſhould be obey'd and perform'd by all and every Perſon, as it ſhould or had been obey'd in the Life of the late King.

The King was pleaſed, upon his firſt Appearing in the Privy-Council, to deliver himſelf to them in a Speech to this Purpoſe:

K. *James's* 1ſt Speech to the Privy-Council.

'SInce it hath pleaſed Almighty God to place me in this Station, and that I am now to ſucceed ſo good and ſo gracious a King, as well as ſo kind a Brother, I think fit to declare, that I will endeavour to follow his Example, and more eſpecially in that of his great Clemency and Tenderneſs to his People: I have been reported to have been a Man for Arbitrary Powr, though that is not the only Story which has been made of me: I ſhall make it my Endeavour to preſerve the Government both in Church and State, as it is by Law eſtabliſhed. I know the Principles of the Church of *England* are for Monarchy, and that the Members of it have ſhewn themſelves good and loyal Subjects, and therefore I ſhall always take Care to defend and ſupport it. I know likewiſe that the Laws of *England* are ſufficient to make the King as great a Monarch as I can wiſh: And therefore as I will never depart from the juſt Rights and Prerogatives of the Crown, ſo I never will invade any Man's Property. I have often ventured my Life in Defence of the Nation, and will go as far as any Man in preſerving it in its juſt Rights and Privileges.

The Lords of the Council ſhew'd themſelves ſo well pleaſed with the Speech, that they became humble Suiters to his Majeſty, That his gracious Expreſſions might be made publick, which he order'd according

So

Soon after a Proclamation was iſſued forth, That the Cuſtoms, Subſidies of Tunnage and Poundage, and other Sums of Money payable upon Merchandizes imported and exported, ſhould be collected by the ſeveral Officers and Collectors for the King's Dominions, for the King's Uſe, till the Parliament, which was to be ſpeedily aſſembled, ſhould take Care for the ſettling a ſufficient Revenue on the Crown, for the Support of the Government. 1685.

Upon the 14th of *February*, the Duke of *Norfolk* having before (according to his Majeſty's Command) ordered, that the Mourning for the deceaſed King might be perform'd with that Decency that became ſo great and ſolemn an Occaſion, the Funeral was privately ſolemnized from the *Painted Chamber* in the Palace of *Weſtminſter*, to the Abbey-Church; the further Ceremonies and Solemnization thereof we will omit, as not agreeable to our Deſign; but hardly was ever a Crowned Head ſo obſcurely interr'd, he having not ſo much as the Blue-coat Boys to walk before him. King *Charles*'s Burial.

By this Time arriv'd Intelligence from *Scotland*, That upon the News of King *Charles*'s Death, the Earl of *Perth*, Lord High-Chancellor, and the Duke of *Queenſbery*, Lord High-Treaſurer, immediately cauſed the Privy-Council to meet, and after they had expreſſed their juſt Grief for the Loſs of ſo good a King and Maſter, they reſolved unanimouſly the next Morning to proclaim *James* VII. and the Council having met accordingly, about Eight of the Clock in the Forenoon, next Day, after the Reading of the King's Letter to them directed, the Lord-Chancellor firſt took the Oath of Allegiance, the Oath of Privy-Councellor, and the Teſt; then adminiſtred the ſame to the reſt of the Councellors, which done, they all ſigned the Proclamation for proclaiming the new King, and went all to aſſiſt at the Solemnity thereof, which was perform'd thus; The Lord-Provoſt of *Edenburgh*, together with the Magiſtrates and Town-Council in their Formalities proceeded firſt bare-headed; next Lyon King at Arms, and the reſt of the Heralds in their Coats of Arms diſplay'd; then follow'd the Lord-Chancellor, the Lord-Treaſurer, with the reſt of the Officers of State and Councellors, with other Lords both Spiritual and Temporal; behind them the Lords of the Seſſions in their Robes, the Train'd-Bands ſtanding on both ſides of the Street. K. *James* proclaimed in *Scotland*.

Being

1685. Being thus come to the Croſs, and aſcending it, the Lord-Chancellor proclaim'd the King, and upon concluding with *God ſave the King*, was ſeconded with the Shouts and Acclamations of a vaſt Number of all Ranks of People there preſent; the Privy-Council at the Concluſion of the Ceremony diſpatched a Letter to the King, giving an Account of what was done both as to the Proclamation and the Oath they had taken, to hazard their Lives and Fortunes in Defence of his Majeſty's Title and Perſon: At the ſame time, the Archbiſhops and Biſhops ſent an Addreſs to the King, expreſſing their deep Sorrow for the Death of their late Sovereign *Charles* II. which (they acknowledged) was moſt unſupportable, had not the peaceable Succeſſion of his Majeſty mitigated the ſame; they alſo congratulated his Aſcenſion to the Throne, with all the Marks of Joy imaginable, and deſired that his Majeſty would be graciouſly pleaſed to permit the Arch-biſhop of St. *Andrews* to wait upon his Royal Perſon, and addreſs himſelf in his Own and their Name more fully, to expreſs their Sence and Duty, than a Letter could allow.

Biſhops Addreſs.

Proclaimed in *Ireland*. On the 16th of *February* was the King with equal Grandeur proclaimed in *Ireland*, the Duke of *Ormond* having received Orders from the Privy-Council at *Whitehall*, the *Saturday* before, being the 14th, for Proclaiming him at *Dublin*; which was performed with as great a Splendor as it was in *Scotland*, but too tedious here to relate.

The King makes Alterations at Court. But by this time King *James* began to regulate and make ſome Alterations at Court, the Earl of *Rocheſter*, Lord Preſident of the Council, was made Lord High-Treaſurer of *England*, and the Lord Marqueſs of *Hallifax* was in his Room made Lord Preſident of the Council; the Earl of *Clarendon*, Lord Privy-Seal, and the Duke of *Beaufort* continued Lord Preſident of *Wales*; the Lord *Godolphin* was made Chamberlain to the Queen; and at the ſame time his Majeſty was pleaſed to appoint *Henry Buckley*, Eſq; to be Maſter of of the Houſhold; Sir *Stephen Fox*, eldeſt Clerk of the Green-Cloth; Sir *William Boreman*, ſecond Clerk of the ſame; Sir *Winſton Churchil*, eldeſt Clerk Comptroller; and Sir *Richard Maſon*, youngeſt Clerk Comptroller; in which Places they ſerved the deceaſed King before.

Thus

Thus ſtood Things at Court, when *Serelaes de Tilly*, Envoy from the Marqueſs of *Grana*, Governour-General of the *Spaniſh Netherlands*, arrived to Condole the Death of the late King; and ſoon after arrived the Mareſchal *d'Lorge*, and the Marqueſs *d'Eſtampes*, the firſt ſent by the King of *France*, and other by the Duke of *Orleans*; theſe were followed by Monſ. *d'Ebrenſchell*, from the King of *Denmark*, upon the ſame Account, who at the ſame time gave Notice of the Death of the Queen-Mother: Other Princes were not deficient in ſending Extraordinary Envoys upon the ſame Errand; Monſieur *de la Lundy*, came from the Duke of *Zell*; Monſieur *Spanhem*, from the Elector of *Brandenburgh*; the Count *de la Trinite*, from the Duke of *Savoy*; the Baron of *Croſeck*, from the Duke of *Brunſwick*; and Monſieur *de la Rovere*, Count *de S. Ange*, from the Dutcheſs of *Modena*. But a more ſplendid Embaſſie than all theſe came from the States of *Holland*, in which were employed the *Heer Van Duyvenvourec*, and the *Heer Van Citters*, who being received at *Greenwich* by Sir *Charles Cotterel*, and brought by Water in the King's Barge to the *Tower*; at their Landing were received by the Lord *Fenham*, ſaluted with the uſual Diſcharge of Cannon, and from thence conducted in the King's Coach, attended by Five Coaches of their own, and a great many others with Six Horſes apiece, to their Houſe in St. *James's* Square; and after ſome few Days had their Audience of both Their Majeſties, and the Queen *Dowager*.

1685. King is congratulated by Foreign Miniſters.

About the Beginning of *March* the King iſſued out a Proclamation, declaring that he reſolved, by the Favour and Bleſſing of God, to celebrate his own and his Queen's Coronation upon the 23th of *April* next enſuing; and foraſmuch as by the ancient Cuſtoms and Uſage of the Realm, as alſo in regard of divers Tenures of ſundry Mannors, Lands, and other Hereditaments, many of his loving Subjects did claim, and were bound to perform ſeveral Services on that Day, and at the Time of the Coronation, as in former Times, their Anceſtors and they from whom they claimed had done, at the Coronation of his Predeceſſors; therefore for the Preſervation of the Rights of his loving Subjects, whom it might concern, he thought fit to ſignifie, that he had authorized and appointed, under the Great-Seal, *Francis*, Lord *Guilford*, Lord Keeper

1685. Keeper of the Great-Seal; *Laurence*, Earl of *Rocheſter*, Lord High-Treaſurer; *George*, Marqueſs of *Hallifax*, Preſident of the Council; *Henry*, Earl of *Clarendon*, Lord Privy-Seal; *Henry*, Duke of *Norfolk*, Earl-Marſhal; *James*, Duke of *Ormond*; *Henry*, Duke of *Beaufort*, Lord Preſident of *Wales*; *Robert*, Earl of *Lindſey*, Lord Great Chamberlain of *England*; *Henry*, E. of *Arlington*, Lord Chamberlain of the Houſhold: *Aubrey*, Earl of *Oxford*; *Theophilus*, Earl of *Huntingdon*; *Robert*, Earl of *Sunderland*; *Robert*, Earl of *Ailsbury*; *John*, Earl of *Radnor*; *George*, Lord *Dartmouth*; *Sidney*, Lord *Godolphin*; Sir *George Jeffreys*, Chief-Juſtice of the *King's-Bench*; and Sir *Thomas Jones*, Chief-Juſtice of the *Common-Pleas*; or any Three or more of them, to receive, hear and determine the Petitions and Claims which would be exhibited to them, concerning the Services to be by them performed at the ſaid Coronation; ſtreightly charging and commanding all Perſons, of what Rank or Quality ſoever they were, to give their Attendance, according to the Summons to them directed.

K. makes Alterations in *Ireland.*

While Things were preparing in *England* for the Coronation, the King was buſie in making ſome Alterations in *Ireland*; for, in purſuance of new Orders that were ſent to *Dublin*, his Grace the Duke of *Ormond*, delivered up the Sword to the Lord Archbiſhop of *Armagh*, Lord Primate and Chancellor of that Kingdom, and to *Arthur*, Earl of *Granard*, in the Quality of Lords Juſtices; the next Morning (by the ſame Inſtruction without diſpute) the Council was conven'd, in order to be diſſolved, and a new one appointed, which conſiſted of the Lord Primate, the Arch-biſhop of *Dublin*, the Lord High-Treaſurer, the Two Chief-Juſtices of *King's-Bench* and *Common-Pleas*, the Lieutenant-General of the Army, the Colonel of the Guards, the Duke of *Ormond*; the Earls of *Thomond*, *Roſcommon*, *Anglaſs*, *Drogheda*, and *Longford*; the Lords *Fitz-Hardinge* and *Bleſington*; *Robert Fitz-Gerald*, Eſq; Sir *Charles Fielding*, Sir *Richard Reynolds*, Sir *Thomas Newcomen*, Sir *Robert Hamilton*, *Adam Loftus*, and *Samuel Kingſdon*, Eſquires. After which the Duke of *Ormond* came over loaden with Addreſſes from almoſt all Parts of the Kingdom, which being moſtly Congratulatory and Complemental ones, anſwerable to the then Time, we will take no Cognizance of in this Place. But the Duke

uke, after his Arrival at Court, did not long ſurvive; 1685.
e Reaſon whereof may moſt juſtly be attributed to
is great Age, tho' ſome would have it proceed from
e frightful Apprehenſions he had of Popery. However,
cannot leave him without taking Notice of one Paſſage
s a Teſtimony of his Courage) at a Feaſt in *Dublin*,
w Days before he came for *England*; when the Feaſt
as ended, he took a large Glaſs of Wine in his Hand,
id them fill it to the Brim, then ſtood up and called
all the Company, *Look here, Gentlemen, they ſay at*
ourt I am now become an old doating Fool; you ſee my Hand
oth not ſhake, nor does my Heart fail, nor doubt, but I will
ake ſome of them ſee their Miſtake.

But to return from whence we made this Digreſſion, it may be ſo called, the 23d of *April* being now come, e Coronation of the King and Queen was performed *Weſtminſter* after the following Manner.

The King and Queen being come from *Whitehall* to King's Coronation.
e Palace at *Weſtminſter*, where the Nobility and o-
ers, who were to bear part in the Solemnity, met. Their Majeſties came down in State from the Lords ouſe, into *Weſtminſter-Hall*, about Eleven of the Clock the Forenoon, and being ſeated upon the Throne ere, the Sword of State, the Sword *Curtana*, and the wo-pointed Sword, together with the Gold Spurs, ere preſented to the King, and laid upon the Table fore him, then the Dean and Prebendaries of *Weſt-inſter*, having before brought the Crown and Regalia ſolemn Proceſſion from the Collegiate Church, came to the Hall, and preſented them ſeverally to the King; ter which being laid upon the Table, they were de-vered, together with the Four Swords and Spurs, to e Lords appointed to carry them in Proceſſion, which egan in this Manner:

Drums and Trumpets preceded, next the Six Clerks *Chancery*, Chaplains having Dignities; then the Al-rmen of *London*, and Maſters in *Chancery*, Four a-reaſt; in which Order all the reſt of the Proceeding llow'd: Then Serjeants at Law, and others of the ng Robe, Squires of the Body, Gentlemen of the ivy-Chamber; Judges and Chief-Juſtices; then the hildren of the Chappel-Quire of *Weſtminſter*, Gentle-en of the Chappel, Prebends and Deans of *Weſtmin-r*; Maſter of the Jewel-Houſe, and Privy-Councel-s, not Peers; next Two Officers at Arms; then Ba-

rons,

1685. rons, Baroneſſes, Biſhops; Two other Officers at Arms; Viſcounts, Viſcounteſſes; Two Heralds at Arms; Counteſſes and Earls; Two more Heralds at Arms; Dutcheſſes, Dukes; next the Two Provincial Kings at Arms, after whom the Great Officers and Archbiſhops; then Two Perſons in Robes of State, repreſenting the Dukes of *Aquitain* and *Normandy*; then the Queen's Vice-Chamberlain, and Three Noblemen carrying her Majeſty's Regalia, that is to ſay, the Earl of *Dorſet* carrying the Ivory-Rod, the Earl of *Rutland* the Scepter, and the Duke of *Beaufort* the Crown. After them followed the Queen herſelf, aſſiſted by the Biſhops of *London* and *Wincheſter*, under a rich Canopy, ſupported by Sixteen Barons of the *Cinque-Ports*; the Train being born by the young Dutcheſs of *Norfolk*, aſſiſted by Four Earls Daughters, attended by Two Ladies of the Bed-Chamber. Now came the Noblemen that bore the King's Regalia, that is to ſay, the Earl of *Ailesbury* bearing St. *Edward*'s Staff, the Lord *Grey* the Spurs, the Earl of *Peterborough* the Scepter, with the Croſs; next the Earl of *Pembroke* bore the firſt Sword, the Earl of *Derby* the ſecond, and between them the Earl of *Shrewſbury* bearing *Curtana*, or the pointleſs Sword: Then Garter, between the Uſher of the Black Rod and the Lord-Mayor of *London*; then the Lord Great-Chamberlain ſingle; after him the Earl of *Oxford*, bearing the Sword of State, between the Duke of *Grafton*, Lord High-Conſtable, and the Duke of *Norfolk*, Earl-Marſhal; then the Duke of *Ormond* bearing St. *Edward*'s Crown, between the Duke of *Somerſet*, bearing the Globe, and the Duke of *Albemarle* bearing the Scepter with the Dove.

Now came the King himſelf, aſſiſted by the Biſhops of *Durham* and *Bath*, under a rich Canopy, born in like manner by Sixteen Barons of the *Cinque-Ports*, the Train born by Four Earls eldeſt Sons, aſſiſted by the Maſter of the Robes, follow'd by the Duke of *Northumberland*, Captain of the Horſe-Guard in waiting, between the Earl of *Huntingdon*, Captain of the Band of Penſioners, and Viſcount *Grandiſon*, Captain of the Yeomen of the Guard, cloſing the Proceeding. The Serjeants at Arms went in Two Claſſes before his Majeſty, and the Gentlemen-Penſioners on each ſide the Canopies. In this manner went the King and Queen array'd in their Royal Robes, furr'd with Ermins, the Ki

ng with a Velvet Cap, and the Queen a rich Circle 1685.
Gold on her Head, all the Nobility in Robes of
imſon Velvet, with their Caps and Coronets in their
nds; and the reſt who formed the Proceeding being
nly habited, or elſe wearing their peculiar Robes,
ceeded on Foot upon blue Cloth, ſpread from the
ps of the Throne in *Weſtminſter-Hall*, to the Steps
the Theatre in the Quire of St. *Peter's*, *Weſtminſter*,
whole Paſſage being rail'd in, and guarded by his
ajeſty's Horſe and Foot-Guards: So ſoon as they en-
d the Church, and that the Nobility and others
re all duly placed, their Majeſties aſcended the
eatre, and repaired to their private Devotions, on the
ſt Part thereof, and then ſeated themſelves in their
air of State, then followed the Recognition; and
r an Anthem, the King and Queen came to the
ar and made their firſt Oblation; at that Time the
rds who carried the Regalia preſented them at the
ar, to be there depoſited: Next was the *Litany* ſung
Two Biſhops, which being ended, the Biſhop of
began the Sermon; after the Concluſion of which,
King took the accuſtomed Oath. And then the
Creator being ſung, and the King diſrob'd of his
ntle and Surcoat, he was anointed and veſted with
he ſacred Habit in K. *Edward's* Chair, which done,
Crown was put on juſt at Three of the Clock, at
t Time all the People ſhouted, the Drums beat,
Trumpets ſounded, the great Guns at St. *James's*
and at the *Tower* were all diſcharged, and all the
s put on their Coronets.

The King being thus Crowned, and having been
er inveſted with the Ring, received both the Scep-
made the ſecond Oblation, and being again re-
d in K. *Edward's* Chair, vouchſafed to kiſs the
biſhops and Biſhops; after which *Te Deum* being
, he aſcended the Royal Throne, and no ſooner
he Enthroned but the Archbiſhops and Biſhops, in
en of Homage, kiſſed the King's Cheek, and then
e Lords Temporal paid their ſeveral Homages, by
g the like, and touched his Crown. During which
the Treaſurer of the Houſhold threw about the
nation Medals.

Then followed the Coronation of the Queen; at
h Time the Ladies alſo put on their Coronets, as
Lords had done before at the King's. And then

1685. the Queen having received into her Hands the Scep and the Ivory Rod, was conducted to her Royal S upon the Throne. The King and Queen being t enthroned, after the ſinging of an Anthem, the Ar biſhop ending with the Benediction, the King a Queen went in State to King *Edward's* Chappel, wh the King being diveſted of St. *Edward's* Robes, and tired in his Royal Robes of Purple Velvet, the wh Aſſembly, except thoſe that belong'd to the Church *Weſtminſter*, return'd in the ſame Order as they came *Weſtminſter-Hall*, their Majeſty's and all the Nobi wearing their Crowns and Coronets on their He and being entred the Hall, were conducted to their veral Tables to Dinner; the firſt Courſe for their M jeſty's Table was ſerved up with the uſual Ceremo the Lord High-Steward, and the Lord High-Conſta riding in on Horſe-back before it; and before the cond Courſe was ſerved up, Sir *Charles Dimmock*, King's Champion, in complete Armour, accompan with the Lord High-Steward and Earl-Marſhal, all Horſe-back, perform'd the uſual Ceremony of the C lenge, After which the Officers of Arms proclaim'd King's Titles, in *Latin*, *French* and *Engliſh*, after uſual Manner. And thus ended the Ceremonies att ing this Coronation, to the Satisfaction of the Spect in general.

This Coronation could not paſs without a Me and therefore the following one was ſtruck, with t Words about it:

JACOBUS II. *D. G: Ang. Sco. Fr. & Hib. Re*

The Reverſe is a Branch of Lawrel upon a Cuſh with an arm'd Hand out of the Clouds, holdi Crown.

A. Militari. Ad. Regiam. Exurg.

Inaugurat. 23 Apr. 1685.



Much about the ſame Time, as I take it, for it bears
o Date, was the following Medalion ſtruck, tho' almoſt
e ſame that was ſtamp'd when he was Duke of *York*,
nd Lord High-Admiral, the Difference being only in
e Stile, and his Majeſty in longer Hair.

1685. *Jacobus* II. *Dei Gra. Ang. Scot. Franc. & Hib.* Re

The Reverſe is, *Genus Antiquum.*



LXXXIV

Now let us take a View of the Affairs of *Scotland*, and how the King addreſs'd the Parliament there ſitting: his Letter to them, bearing Date the 28th of *March*, wherein he ſet forth, 'That the many Experiences he had of the Loyalty and exemplary Forwardneſs of that ancient Kingdom, by their Repreſentatives aſſembled in Parliament, in the Reign of his Brother, made him deſirous to call them together in the Beginning of his Reign, to give them an Opportunity not only of ſhewing their Duty, but alſo to be exemplary to others in their Demonſtrations of Affection to his Perſon, and Compliance with his Deſires. But that what he had to propoſe to them at that Time, was this, which was both neceſſary as well for his Safety as Service, and had a greater Tendency towards their ſecuring their own Privileges and Properties, than the Aggrandizing his Power; which however he was reſolved to maintain in its greateſt Luſtre; that he might be the better enabled to protect and defend their Religion eſtabliſhed by Law, their Rights and Properties, againſt Phanatical Contrivances, Murtherers and Aſſaſſins, which had brought them into ſuch Difficulties, which only the ſteddy Reſolutions of his Brother, and thoſe employ'd by him, could have ſaved them from. That nothing had been left undone by thoſe unhumane Traitors, to overturn their Peace; and therefore he hoped they would be wanting in nothing to ſecure themſelves and him. Which Things being of ſuch Importance, he was reſolv'd in Perſon to have propoſed to them the needful Remedies; but that being now impoſſible, he had ſent among them the Duke of *Queensbery*, whom he had inſtructed in all Things relating to his Service and their own Proſperity; not doubting of their Compliance and Aſſiſtance in all thoſe Matters wherein the ſaid Duke was inſtructed.

1685.

King's Letter to the *Scotch* Parliament.

After the Reading of the Letter (the Subſtance of which we have now related) the Lord High-Commiſſioner ſpoke to this Effect: In the Firſt place, *That the King's ſending ſo ſoon to them for their Advice, was an evident Token not only of the great Confidence he had in their Loyalty, and their good Example to his own Dominions, but alſo a Proof of his Royal Intention to follow the Example of his Brother's quiet and peaceable Reign.*

High-Commiſſioner's Speech.

1685. Secondly, *He gave them Assurance of his Princely Reſolutions to maintain and protect the Government of the Church, as by Law eſtabliſhed, and alſo that he would take Care of the Perſons and Concerns of the Regular Clergy; that he would maintain their Rights and Properties, according to the eſtabliſhed Laws of the Kingdom, and that they ſhould not be injured by any Arbitrary Oppreſſions of Soldiers or others; that he would grant his Condeſcention in the Buſineſs of Exciſe and Militia, as far as could be juſtly expected: And on the other ſide, the King expected from them to aſſert the Rights and Prerogatives of the Crown, and to eſtabliſh the Revenues as ample upon him and his lawful Succeſſors, as it was enjoyed by his Brother. That effectual Means might be fallen upon, to extirpate the deſperate Fanatical Party* (not a Word of the Popiſh one) *that had brought the Kingdom to the Brink of Deſtruction.*

After this the Lord-Chancellor, to back what the other had ſaid, enumerated the many Diſorders and Animoſities that had been among them before the King when Duke of *York*, was ſent into the Kingdom, and by what eaſie Means he had brought about the Unity which they almoſt deſpaired of; therefore he deſired them to promote his Majeſty's Intereſt, by deſtroying a Baſtardly Brood of villanous Men, whoſe maintain'd Principles authoriz'd the Perpetration of Things not to be named among them who had ever heard of Government, much leſs of Religion. He added further, to encourage them in their Duty, the excellent Qualifications of his Majeſty, that ought to be particularly admired in a Crown'd Head, as to his Perſonal Advantages, whether as to Peace or War, his Experience both in Arms and Courts teſtified, beſides his exact Honeſty, Temperance, Sobriety, Diligence and Courage, to his Subjects the greateſt Example of Loyalty, while he was one, now an Example to all Kings, of Love, Clemency and Care towards his People.

Scotch Parliamen's Addreſs to the King.

The Parliament ſoon after, in Anſwer to the King's Letter, addreſs'd themſelves in the following Manner: 'That his gracious and kind Remembrance of the 'Services done by his ancient Kingdom to his Brother, of ever glorious Memory, ſhould rather raiſe 'in them ardent Deſires to exceed whatſoever they had 'formerly done, than to look upon them deſerving to

'Eſtee

Eſteem he was pleaſed to expreſs of them. That the Death of their excellent Monarch was lamented by them to all the Degrees of Grief, which were conſiſtent with their great Joy for the Succeſſion of his moſt ſacred Majeſty, who had not only continued, but ſecured the Happineſs which his Brother's Wiſdom, Juſtice and Clemency had procured them, that being the firſt Parliament which met by his Authority, he might be confident they would offer ſuch Laws as might beſt ſecure his Perſon, the Royal Family and Government; and that they would be ſo exemplarily loyal, as to raiſe his Honour and Greatneſs to the utmoſt of their Power: And Laſtly, That they would leave nothing undone for the Extirpation of Phanaticiſm, and for detecting and puniſhing the late Conſpirators. 1685.

Having thus addreſs'd themſelves to the King in Words, they proceeded to Acts agreeable thereto; for firſt they paſſed an Act, wherein the King is declared to aſſent with his Eſtates in Parliament conven'd, to ratifie and confirm all Acts and Statutes formerly paſs'd, for the Security, Liberty and Freedom of the true Church of God, and the Proteſtant Religion, at preſent profeſſed within the Kingdom, in their whole ſtrength and Tenor, as if they were particularly ſet down and expreſſed in the Act. By a ſecond Act they annex'd and united the Exciſe of Foreign and Inland Commodities to the Crown of *Scotland* for ever. By a Third they ordain'd, That all ſuch Perſons as being cited in Caſes of Treaſons, Field or Houſe Conventicles, or Church Irregularities, ſhould refuſe to give Teſtimony, ſhould be liable to be puniſhed, as guilty of thoſe Crimes reſpectively, in which they refuſed to be Witneſſes. *Scotch* Parliament's Proceedings.

Thus were Things carried in *Scotland*, to the no ſmall ſatisfaction of his Majeſty, who upon theſe Foundations was moſt aſſured, that what he aim'd at might be brought in Time to its deſired and deſigned Perfection.

But to return home, we find Dr. *Oats* now upon the ſtage, who was vigorouſly proſecuted by the Popiſh Party, for the Service he had done in diſcovering the Popiſh Plot; but to be a little more particular, the Doctor, on the 8th of *May* this Year, was brought in order to his Tryal, to the Bar of the *King's-Bench*, the *Oats* proſecuted.

1681. firſt Indictment brought againſt him, was for ſwearing *That there was a Conſult of Jeſuits held at the* White-Horſe-Tavern, *in the* Strand, *where* Ireland *and ſeveral other Jeſuits were preſent, and their Buſineſs was to conſult how they might murther aud deſtroy the King, and ſubvert the Government; and there they came to a Reſolution That* Pickering *and* Groves *ſhould kill the King; and that he was preſent at the Debate, and carried the Reſolution from Chamber to Chamber, where they had ſeparated themſelves in leſſer Numbers, and that there he ſaw the ſaid Reſolution ſign'd.*

To make this a Perjury, they were to prove, That Dr. *Oats* was all that time at St. *Omers*: for which they brought *Hilſley*, *Dorrel*, *Osborn*, *Bournaby*, a Jeſuit, *Poſt*, of the Order of the *Virgin Mary*, *Thornton*, *Conway*, *Haggerſtone*, a Jeſuit, *Beeſton*, *Clement*, *Smith*, *Price*, *Doddington*, *Gerrard*, a Jeſuit, *Arundel*, *Chriſtopher Turbervil*, *Clavering*, *Copley*, and others, all Papiſts, and ſuch as acknowledged themſelves for ſuch in open Court, who all ſwore, That the Doctor came to St. *Omers* in *Dec.* 1677. and was never out of the College but Three Days, till *July*, 1678. Indeed, they ſwore it home, with ſuch a nefarious Boldneſs, not without many ſcurrilous Reflections upon the Accuſed, as plainly manifeſted, that they ſwore more out of Revenge and Imbitterment, than Conſcience.

In anſwer to this Indictment, *Oats* produced ſeveral Proteſtant Evidences, who ſwore, they ſaw him in *London* both in *April* and the Beginning of *May*, but they were derided by the Chief-Juſtice *Jeffreys*. The Doctor further appeal'd to the Court, whether a Papiſt in caſe of Religion, might be believed and received as a good Witneſs; the Chief-Juſtice affirm'd, *He might*, and withal ask'd *Oats*, whether he thought he came there to preach? But the Doctor farther inſiſted upon the Queſtion, and demanded it as his Right to be heard by Council, as to his Exception againſt his Witneſſes, but was ſtill over ruled by the Chief-Juſtice; upon which the Doctor appeal'd to all the Hearers, whether he had Juſtice done him, or not; which put his Lordſhip into ſuch a violent Paſſion, as hardly to be parallell'd to have proceeded from a Chriſtian Judge upon the Bench in Hiſtory. The Storm being allay'd, *Oats* cited the Opinion of the Lord *Coke*, That a Popiſh Recuſant was not to be admitted as a Witneſs, not

uch as between Party and Party; but was anſwered, 1685.
at that would not do: The Doctor farther urged,
hat they were brought up in a Seminary againſt Law,
which their Friends were to be puniſhed: To
hich the Chief-Juſtice replied, that ſo was a Diſſenter:
he Doctor anſwer'd, That he had not offer'd any
iſſenter in Evidence; but the Chief-Juſtice derided
s Witneſſes, calling them *Goodwife Mayo*, and her
mpanions, excellent Proteſtants without all Que-
on. Then the Doctor urged the Statute of the 27
iz. C. 2. againſt Jeſuits, Seminary Prieſts, and other
ch like diſobedient Perſons: The Chief-Juſtice ask'd
n whether the Witneſſes own'd themſelves to be
ieſts and Jeſuits? The Doctor would have offered
e Statute of the 3d Year of *Charles* I. C. 2. but that
uld not be admitted: Upon this, the Doctor pleaded
e Caſe of the Earl of *Shaftsbury*, when charged with
igh-Treaſon and committed to the *Tower*; who up-
his Acquittal, moving, that he might have Liber-
to bring an Indictment of Perjury againſt the Wit-
ſſes that accuſed him, the Court over-ruled the Mo-
n, becauſe they would not have the King's Evidence
dicted of Perjury, nor the Popiſh Plot called in que-
on. But the Chief-Juſtice told him that was nothing
the Purpoſe neither. Then *Oats* urged, that the E-
dence upon which he was Indicted of Perjury, was
ſame which had been delivered Six Years before at
itebread's Tryal, and afterwards at *Langhorn*'s Tryal,
d Sixteen Witneſſes produced againſt him, which
re not then received. Therefore if the Evidence
then gave was then believed, he could not dream
at new Objection ſhould ariſe againſt it, which had
t been anſwered. *Oats* ſeeing that it was in vain to
ive againſt the Stream of the Chief-Juſtice's Judg-
nt, he concluded, ſince he had not Liberty to argue
oſe Things which were moſt material for his De-
ce, with an Appeal to the Great God of Heaven
Earth, the Judge of all, and in his Preſence, and
ore all the Auditory, avow'd his Evidence of *the*
iſh Plot, in all and every Part of it, to be nothing but
; *expecting from Almighty God the Vindication of his*
egrity and Innocence.

The Jury withdrawing thereupon for a Quarter of
Hour, returned, and brought the Doctor in Guilty.

Ano-

1685. Another Indictment brought againſt the Doctor th next Day, was for Swearing, at the Tryal of *Irelan That* Ireland *was in Town within the Cities of* London a Weſtminſter, *upon the 1ſt or 2d Day of* Sept. 1678. a *upon the 8th and 12th of* Auguſt; whereas, in Trut he was not in Town upon any of thoſe Days: For th Proof of which Perjury, or pretended One, the ſam Methods were uſed, as had been done in the Tryal the Day before. The firſt of theſe was Mrs. *Irela* the Jeſuit's Siſter, Mrs. *Ireland*'s Mother, Mrs. *Dudd* Mrs. *Quino*, the Lord *Aſton*, Sir *Edward Southcot* Mr. *John Southcot*, *Harriſon* the Lord *Aſton*'s Coac man, *George Hobſon*, *George North*, *Andrew Wetr* Mrs. *Harwel*, Mrs. *Ruſhton*, Mrs. *Winford*, Mrs. *Stanl* Mrs. *Purcel*, Mr. *Stamphord*, Mrs. *Fowler*, the Tw *Cliffords*, Mrs. *Keeling*, with ſeveral others, all Roma Catholicks.

To this Shoal of Witneſſes the Doctor anſwer'd, *Th it was a ſad Caſe for a Man, after Six Years, to be Indi ed for a Circumſtance of Time.* Then he produced th Proteſtation of dying *Bedlo*; *That all he had Sworn co cerning the Plot was true, and that he was one that ſw that* Ireland *was in Town either the Beginning of* Septe ber, *or Latter end of* Auguſt: Which done, the Doct called ſeveral Witneſſes, but few appeared, and tho ſuch as did him little good; and therefore he laid t Streſs of his Plea upon the Records of the Attaind and Execution of *Ireland* and *Whitebread*, &c. deſiri the Court and the Jury to conſider the Hardneſs of h Caſe, in regard that his Witneſſes could not be fou or elſe were ſuch, as, conſidering the Times, durſt n appear in his behalf; and therefore hoped they wou not let him be injured by the Number of falſe W neſſes and Papiſts that were Parties.

Upon *Monday* the 26th of *May*, the Doctor w brought up again to the *King's-Bench* Bar, where being asked what he could ſay in Arreſt of the Jud ment, he moved for longer Time to prepare his Cou cil what to ſay in his Behalf; but that being deni him, and no Council appearing for him, he put in h ceptions himſelf.

I. *That a Witneſs ſworn on the Behalf of the King, i Proceſs of High-Treaſon, could not be puniſhed for Per by the King.*

II. T

II. *That it did not appear that the Indictments of* Ire- 1685.
d, found in Middlesex, *were legally transmitted to* Lon-
n, and consequently that all the Proceedings thereupon
re Coram non Judice.

III. *That the Perjuries assign'd were foreign to the Issue.*

IV. *That it was* Resolutio Signat' *in that part of the dictment that mentioned what the Defendant swore, and t in the Perjury assign'd it was* Resolutio Signand', *ich was no good Assignment to the Perjury.*

But these Exceptions being over-ruled by the Court, of no Weight or Colour, as 'twas alledg'd, Judge *Withens*, after the Judges had laid their Heads a little hile together, proceeded to give Sentence, 'That the Doctor should pay a Thousand Marks upon each Indictment: That he should be stript of all his Canonical Habit: That he should stand upon the Pillory, nd in the Pillory, before *Westminster-Hall-Gate*, upon next *Monday*, for an Hour's time, with a Paper over his Head, after he had walked with it about all the Courts in *Westminster-Hall*, declaring his Crime: That upon the 2d Indictment, he should stand the next Day in the Pillory, at the *Royal-Exchange*, for the Space of an Hour, with the same Inscription: That the next Day he should be whipt from *Aldgate* to *Newgate*, and upon *Friday* from *Newgate* to *Tyburn*, by the Hands of the common Hangman.

But the Judge being for more Punishment still, said, Mr. *Oats* we cannot but remember, there were several particular Times about which you swore False, and therefore as Annual Commemorations, that it may be known to all People, as long as you live, we have taken Care of you for an Annual Punishment; to which Purpose he farther pronounced, That upon the 24th of *April* every Year, as long as he lived, he should stand in the Pillory at *Tyburn*, just opposite to the Gallows, for the Space of an Hour; the same before *Westminster-Hall-Gate*, every Year upon the 9th of *August*, as long as he lived: The same at *Charing-Cross*, every Year upon the 10th of *August*: The like over-against the *Temple-Gate* upon the 11th of *August* every Year: And, Lastly, The same upon the 2d of *September*, at the *Royal-Exchange*, and to be committed close Prisoner as long as he lived. The Judge told him farther, 'That if it had been in his

'Power,

1685. 'Power to have carried it farther, he would have be
'willing to have given Judgment of Death upon him
'for he was ſure he deſerved it.

Danger-field pro ſecuted. On the 28th of this Month *T. Dangerfield* was Try'd at the *King's-Bench* Bar, upon an Information of Wri ting and Publiſhing a moſt Villanous and Scandalou Libel, called, *His Narrative*, and found Guilty. Hi Sentence was to have the ſame Whipping as *Oats* ha but with different Fate; for, as he returned from hi laſt Suffering, he was run through the Eye into th Brains, as he rode in the Coach, of which Wound h died in a few Days; however, the Perſon that did th Fact, was hanged for it, upon the ſame Gallows t which the other had been whipt.

Mr. *Baxter* proſe cuted. In the Afternoon of the ſame Day, Mr. *Richar Baxter* was Tryed and Convicted, at a *Niſi Prius*, *Guildhall*, upon an Information of Writing and Publiſh ing Scandalous and Seditious Notes upon the *New Teſta ment*; for which he was Fined and Impriſon'd; th the King about Two Years after, at the Interceſſion the Marqueſs of *Powis*, was pleaſed to releaſe him.

We ſhould have told you, that the Parliament m on the 26th of this Month, at what time the Commo being ſent for up to the Houſe of Lords to attend th King, who was ſeated upon his Throne in his Roy Robes, with the uſual Solemnity, the Lord Keep declared to them his Pleaſure, to defer ſpeaking t them, till the Members of both Houſes had taken th Oaths appointed to be taken by Act of Parliamen and farther acquainted them, That it was the King Pleaſure, that the Gentlemen of the Houſe of Com mons ſhould go apart, and proceed to the Choice their Speaker; upon which returning to their Hou they made Choice of Sir *John Trevor*, one of the King Council at Law, who being preſented to the King th ſame Afternoon, in the Houſe of Lords, was co firm'd by his Royal Approbation; and the King, ſo few Days after, went to the Houſe of Lords, a made his Speech to both Houſes; which being t firſt that was delivered by his Majeſty ſince his A vancement to the Royal Throne, I thought it not miſs to inſert it.

'A

AFter it had pleaſed Almighty God to take to his Mercy the late King, my deareſt Brother, and to bring me to the peaceable Poſſeſſion of the Throne of my Anceſtors, I immediately reſolved to call a Parliament, as the beſt Means to ſettle every thing upon thoſe Foundations that might make my Reign both eaſie and happy to you: Toward which I am diſpoſed to contribute all that is fit for me to do. What I ſaid to my Privy-Council at my firſt coming there, I am deſirous to renew to you; wherein I freely declare my Opinion concerning the Principles of the Church of *England*, whoſe Members have ſhewn themſelves ſo eminently loyal in the worſt of Times, in Defence of my Father, and Support of my Brother, of bleſſed Memory, that *I will always take Care to ſupport and defend it.* I will make it my Endeavour to preſerve this Government, both in Church and State, as it is by Law eſtabliſhed. And as I will never depart from the juſt Rights and Prerogatives of the Crown, ſo will I never *invade any Man's Property.* And you may be ſure, that having hitherto ventured my Life in Defence of this Realm, I ſhall ſtill go as far as any Man in preſerving it in *all its juſt Rights and Liberties.* And having given you this Aſſurance of the Care I will have of your Religion and Property, which I have choſen to do in the ſame Words I uſed at my firſt coming to the Crown, the better to evidence to you, that *I ſpoke them not by Chance*, and conſequently, that you may the more firmly rely upon a Promiſe ſo firmly made, I cannot doubt that I ſhall fail of ſuitable returns from you, with all imaginable Duty and kindneſs on your part, and particularly what relates to the ſettling my Revenue, and continuing it during my Life, as it was in the Time of the King my Brother. I might uſe many Arguments to enforce this Demand, from the Benefit of Trade, the Support of the Navy, the Neceſſity of the Crown, and the Well-being of the Government it ſelf, which I muſt not ſuffer to be precarious. But I am confident your own Conſideration of what is Juſt and reaſonable, will ſuggeſt whatever may be enlarged upon this Occaſion. There is one popular Argument which I foreſee may be uſed againſt what I ask of you, from the Inclinations Men may have for frequent Parliaments, which

1685. King's Speech in Parliament.

'ſome

1685. 'ſome Men think would be the beſt ſecured, by fee
'ing me from time to time by ſuch Proportions as the
'ſhall think convenient. And this Argument, it be
'the firſt Time I ſpeak to you from the Throne,
'will anſwer once for all; *That this would be a very i*
'*proper Method to take with me, and that the beſt wa*
'*engage me to meet you often, is always to uſe me well.*
'expect that you will comply with me in what I ha
'deſired, and that you will do it ſpeedily, that this m
'be a ſhort Seſſion, and that we may meet again
'all our Satisfactions.

'I muſt acquaint you, that I have had News t
'Morning from *Scotland*, That *Argile* is landed in t
'*Weſt-Highlands*, with the Men he brought with hi
'from *Holland*, and that there were Two Declaratio
'publiſhed, one in the Name of all thoſe in Ar
'there, the other in his own. It would be too long f
'me to report the Subſtance of them; it is ſufficie
'to tell you, that I am charged with Uſurpation a
'Tyranny. The ſhorter of them I have directed
'be forthwith communicated to you; I will take t
'beſt Care I can, that this Declaration of their Tr
'ſon and Rebellion may meet with the Reward it d
'ſerves. And I will not doubt but that you all w
'be the more zealous to ſupport the Governme
'and give me my Revenue, as I have deſired it, wi
'out Delay.

The Houſe of Commons returning to their Hou
the firſt Thing they did, was the Order of making
Return of their humble Thanks for his Majeſty's g
cious Speech; which they did in the Afternoon of t
ſame Day; the Lords, about the ſame Time, reſolv
upon the following Addreſs: 'That whereas the K
'had been pleaſed to inform them, that the Earl of
'*gile*, attainted of High-Treaſon, was landed with
'ther Rebels in *Scotland*, and was there in actual R
'bellion, *They were reſolved to ſtand by his Majeſty w*
'*their Lives and Fortunes, for the Suppreſſion of the R*
'*Rebels.* The Houſe of Commons alſo declared the
ſelves to that Purpoſe. Then the Parliament ſettled
Cuſtoms and Temporal Exciſe upon the King, as th
were before upon his Brother, which having recei
the Royal Aſſent upon the 18th of *June*, he delive
himſelf to them in this Manner:

Parliament reſolves to ſtand by the King.

My Lords and Gentlemen,

I Thank you very heartily for the Bill you have preſented me this Day; and I aſſure you, the Readineſs and Cheerfulneſs that has attended the Diſpatch of it, is as acceptable to me as the Bill it ſelf. After ſo hapyy a Beginning you may believe, I would not call upon you unneceſſarily for an extraordinary Supply: But when I tell you, that the Stores of the Navy and Ordnance are extreamly exhauſted; That the Anticipations upon ſeveral Branches of the Revenue are great and burthenſome; That the Debts of the King my Brother to his Servants and Family are ſuch as deſerve Compaſſion; That the Rebellion in *Scotland*, without putting more Weight upon it than it really deſerves, muſt needs put me to a conſiderable Expence and Extraordinary; I am ſure ſuch Conſiderations will move you to give me an Aid to provide for theſe Things, wherein the Security, the Eaſe and Happineſs of my Government are ſo much concerned: But, above all, I muſt recommend to you the Care of the Navy, the Strength and Glory of this Nation, that you will put it into ſuch a Condition, as may make us reſpected and conſiderable abroad. I cannot expreſs my Concerns upon this Occaſion more ſuitable to my own Thoughts of it, than in aſſuring you, I have a true *Engliſh* Heart, as jealous of the Honour of the Nation, as you can be. I pleaſe my ſelf with the Hopes, that (by God's Bleſſing and your Aſſiſtance) I may carry the Reputation of it yet higher in the World, than ever it has been in the Time of any of my Anceſtors: And as I will not call upon you for Supplies, but when they are of publick Uſe and Advantage, ſo I promiſe you, that what you give me upon ſuch Occaſions ſhall be managed with good Husbandry; and I will take Care it ſhall be employ'd to the Uſe for which I ask them. 1685. King's Speech in Parliament.

Pleaſed with this Speech, the Commons proceeded n their Supplies, and granted his Majeſty a new Impoſition upon Wines and Vinegar, as alſo more Cuoms upon Sugar and Tobacco, beſides an Impoſition pon all *French* Linens, and all *Eaſt-India* Linen, and everal other *Indian* Manufactures, alſo upon *French* wrought

1685. wrought Silks and Stuffs, and all Brandies; the Act fo
prohibiting the Importation of *French* Wine, Vinega
Brandy, Linens and Cloth, Silks, Malt, Paper, or an
Manufacture made or mix'd with Silk, Thread, Woo
Hair, Gold or Silver, was now fully repeal'd; and t
make the King's Revenues equal, nay, ſuperior to tho
of his Predeceſſors, there was 5 *s. per* Tun granted hi
upon every Voyage which any Foreign Ship ſhou
make from Port to Port in *England*, and 1 *s. per* Tu
for every Voyage which a Foreign built Ship, not fre
ſhould make: So that by Computation his Revenue i
all, which was ſettled upon him now, together wit
that he had when Duke of *York*, amounted to 255000
per Annum, which none of his Predeceſſors (excep
Henry VIII.) ever had by a Third part.

At this Time the Parliament in *Scotland* paſſed ſeve
ral Acts alſo for the Honour, as well as the Advanta
of their new Sovereign, which we will not curtail i
this Place, but content our ſelves to inform the Reade
that it paſſed for an Act (in Imitation of the *Engli*
Generoſity) *To make a dutiful Offer to the King of* 2600
Pounds Yearly, to begin at Whitſuntide *this Year, and t*
be paid Termly at Whitſuntide *and* Martlemas, *during th*
King's Life.

However, in the midſt of theſe briſk Reſolution
they were not a little diſpirited at the unexpected New
of the Earl's Invaſion, who ſetting Sail the 2d of *M*
from the *Vlye* in *Holland*, upon the 5th of the ſam
Month appeared before *Orkney*, where ſending his S
cretary and Chirurgeon aſhoar, they were both ſeize
by the Inhabitants of the Iſland, and ſent up to th
Privy-Council at *Edenburgh*: Being diſappointed ther
as to his Reception, he ſail'd for the Weſt Coaſt o
Scotland, and landed at *Dunſtafnage* in *Lorn*, a ruinou
Caſtle, formerly belonging to himſelf, into which h
put a Garriſon, and from thence proceeding farthe
into the Country, he publiſh'd a Declaration, intitule
Argile's Declaration. *The Declaration of the Proteſtant People*, that is to ſa
of the Noblemen, Barons, Gentlemen, Burgeſſes and Co
moners of all ſorts, within the Kingdom of Scotland, wi
the Concurrence of the true and faithful Paſtors, and of ſ
veral Gentlemen of the Engliſh *Nation, joined with the*
in the ſame Cauſe: Wherein was ſet forth the great A
vantages the Proteſtant Religion, both at Home an
Abroad, had had, by the Succeſs of the War again

Char

arles the First; which Succeſs they aſcribed to the 1685.
eſſing of God and the Goodneſs of their Cauſe; they
ed up the Loyalty of the *Scotch* Covenanters; they
cuſed the Parliaments of both Kingdoms for reſcind-
the Laws which had been made during the War,
alſo for turning out the Nonconformiſt Miniſters:
ney accuſed the Government for putting Men to Death
ntrary to the Law, and deſolating the Churches,
anging the Ordinances of God into the Inventions of
en, for conniving at Papiſts, and keeping up ſtanding
rces, which they called *the Bane of Civil Government.*
ney declared againſt the King's Supremacy, and all
Wars againſt the States-General of the *United-Pro-*
ces; the Forfeiture of the late Earl of *Argile*, and
Torture of *Spence* and *Caſtors*, by whom was made
great a Diſcovery of the late horrid Conſpiracy;
y likewiſe declared againſt the Inquiries into the
urrection at *Bothwell-Bridge*, by the Circuit-Courts,
ich they called Tyranny and Popery twiſted toge-
r; they declared againſt the King's Enthronement,
excluded by the *Excluſion Bill*, calling him barely
mes, Duke of *York*; they declared alſo againſt the
n Parliament of *England*, as illegally elected; for
ich Reaſons they rejected Subjection to the King,
the Name of *James*, (as before) Duke of *York*, and
his Accomplices, whom they ſtiled *their unknown*
mies: Then they ſet forth their Reaſons for their
ing up Arms, *viz. For the Reſtoration of the Proteſtant*
gion, the Extirpation of Popery, the Satisfaction of all
had been Sufferers for adhering to their Party; decla-
farther, That they would enter into no Treaty,
itulation or Agreement with the King, but proceed
he Proſecution of the War, till their Ends ſhould be
ined, and laſtly aſſur'd Indemnity to all that ſhould
with them againſt a *Perſecuting Tyrant* and an *Apo-*
e Party.

This was the Subſtance of the General Declaration
Argile's Followers, and the other that was in the
l's Name, and in Reference of himſelf, was to this
poſe: 'That as he had taken up Arms with thoſe
had appointed him to be their Leader, for no pri-
nor perſonal Ends, but only for thoſe contained in
Declaration before-mentioned; ſo he claim'd no
reſt, but what he had before the pretended For-
re of his Family, and had ſufficient Right to. He

1685. freely remitted all Perſonal Injuries againſt himſelf a
Family to thoſe that ſhould not oppoſe him, but co
cur with him in his preſent Undertaking, for the En
afore-mentioned; promiſing alſo, upon the Recove
of his Eſtate, to pay both his own and his Fathe
Debts. Laſtly, That he had patiently ſuffer'd
Three Years and an half an Exilement, according t
Sentence unjuſtly pronounced againſt him in the
King's Reign, to whom he had always been truly lo
but he being dead, and the Duke of *York* having ta
off his Mask, and invaded the Religion and Liber
of the Kingdom, he thought it not only juſt, but
Duty to God and his Country, to oppoſe and rep
his Tyrannies and Uſurpations; inviting and offer
all true Proteſtants to concur with him in his Und
taking. But the Parliament at *Edenburgh* were not
ſenſible of their Danger from ſuch Proceedings: Th
fore, in Oppoſition to the Earl, they paſſed an A
That all the Subjects of *Scotland* ſhould take the O
of *Allegiance* anew, and aſſert the Royal Prerogati
whenever they ſhould be requir'd by the Privy-Cou
upon Pain of Baniſhment and Impriſonment, or
other Puniſhment as ſhould be thought fit to be
flicted upon them.

But to return to the Earl, who by this Time
marched a great Way into the Country, to ſecon
Declarations, he ſent abroad the following Sum
thro' the Country, dated from a Place called *Comp*
May the 21ſt. 'Being, by God's Bleſſing, come ſa
'this Place, with a Reſolution, according to a D
'ration ſet forth, *For the Defence of the Proteſtant*
'*gion, our Lives and Liberties, againſt Popery and Arbi*
'*Government*; and all the ſtout Men of *Ilia* being
'thus far, and this Country being together a Re
'vous, Theſe are to require all the Heritors, Te
'and others, and all the fencible Men within th
'viſion of *Cowel*, between 16 and 60, with all thei
'ful Arms, and Two Weeks Loan, to come to th
'*but*, againſt *Tueſday* next, being the 26th of *May*,
'out fail, or ſooner, if they can. To back this
mons, his Son *Charles* marched into *Cowel*, an
Letters to ſeveral Gentlemen to come to him, w
any Pretence of Excuſe, threatning otherwiſe t
moſt Penalties of Martial Proceedings.

Argile's Letter of Summons.

The Earl marched from *Campleton* and *Kintire*, with Troops of Horſe, and 700 Foot, to *Tarbut*, where he et 300 of the *Ilia* Men, being attended by their Ships, e of 30, another of 12, and a third of 6 Guns, and ſmall Boats, that he embarked his Men on, and me to the Town of *Roß*, in the Iſland of *Broot*; ha- ng furniſh'd himſelf with a Night's Proviſion there, ſet out and ſailed round the Iſland, but next Day re- rned to *Roß*, and for a Signal of his Arrival, cauſed ven Guns to be fired at his Landing. Now his Fol- wers being 2500 Men, from the Iſland *Broot*, he ſail- for *Cowel*, one of the Diviſions of *Argileſhire*, deſign- to bring in his Ships into *Lockfine*, but hearing that King's Men of War, the *Kingfiſher* and the *Faulcon* re coming up to the Entrance of *Lockrowan*, they for- ed a little Caſtle called *Ellengreg*, and a Rock that s near to it, to ſecure their Ships at *Lockrowan* afore- d; which done, the Earl marched away towards Head of *Lockfine*, leaving 150 Men to guard his ips, having firſt put his Guns, Arms and Ammuni- n into the ſaid Caſtle. 1685.

Upon the 11th of *June* the Marqueſs of *Athol* head- 300 of the King's Foot, engaged a Party of *Argile*'s, ſiſting of 400 Foot, and 80 Horſe, which the Mar- eſs put to the Rout; and upon the News hereof, the rl of *Argile* remarched to *Ellengreg*, where he conti- ed till the 15th of *June*, then he marched towards *nox* in the Shire of *Dumbarton*.

Soon after the Earl's Departure from *Ellengreg*, the ng's Men of War came up, with a Reſolution to ter the Caſtle, and deſtroy the Earl's Ships. but up- firing the firſt Gun, Two Men went off in a Boat h a White Flag, and told them, that they might ſe from their Enterprize, for there were none to op- e them, in regard all the Garriſon was fled; here- on a Boat was ſent aſhore, and finding the Caſtle de- ed, as they were inform'd, they took Poſſeſſion reof, as alſo of the Ships and Boats, with all the Arms, munition, and Guns, the Whole amounting to o Arms, 500 Barrels of Powder, with Ball, and er Stores proportionable.

Not long after the Earl of *Dunbarton*, Commander in ef of the King's Forces, upon Notice of *Argile*'s rch over the River *Levil* above *Dunbarton*, directed Courſe in Purſuit of the Earl towards *Sterling*, and

1685. overtook him in the Pariſh of *Killern*. The King's Horſe and Dragoons kept up *Argile*'s Men till the Foot arrived, but the Enemy was ſo poſted in a ſtrong Piece of Ground, that the General, in regard of their advantageous Encampment (if it may be ſo called) as alſo of the approaching Night, thought it not adviſable to attack them then, but he kept his Men embattled all Night, to be in a Readineſs at Break of Day to attack the Enemy: But the Earl ſpared them that Trouble, for it was found in the Morning, that he had march'd off in great Silence in the Night towards the River *Clyde*, which his Horſes ſwam through, while the Foot were carried over in Boats, and ſo got without much Oppoſition to *Kenfrew*.

The King's Forces miſſing of the Enemy in their Purſuit after them, march'd to *Glaſgow*, and having reſted there for the Space of Two Days, the Earl of *Dunbarton*, at the Head of the Horſe and Dragoons upon Information of *Argile*'s Courſe, poſted after him with all the Expedition imaginable, leaving the Foot to follow with all the Haſte they could make, but by this Time *Argile* and his Men were marching for *Kenfrew* towards *Glaſgow*, but the Guide, Sir *John Cochran* provided for their Conduct, miſtaking the Way, carried them into a Bog, where having loſt their Horſes and Baggage, the Foot diſpers'd into ſeveral Parties, upon which the Earl divided the King's Forces anſwerable to their ſeveral Parties, to purſue them. *Argile* fleeing towards *Clyde*, was ſet upon by Two of *Gremock*'s Servants, but ſcorning to yield, he fired upon them when they called out to him; however, he received a Wound in his Head, upon which, not truſting to his Horſe, he alighted and ran into the Water. The Noiſe of this Buſtle brought out a Country Fellow, who ran into the Water after him, where he was almoſt up to the Neck; the Earl preſented his Piſtol at the Fellow, but it would not go off; the Fellow perceiving this, gave him a Blow on the Head, which ſtun'd him, ſo that he fell, and in his falling cried out *Unfortunate Argile*; upon which Words they ſeiz'd him, and carried him to their Commander.

But to return to Sir *John Cockram*, who with his Party took the Way towards the Sea, upon the Appearance of the King's Forces that purſued him, he poſted himſelf in a ſmall Incloſure, wherein his Men were cov-

B

breaſt high; nevertheleſs, the Lord *Roſs* charged them, but the Place being advantageouſly ſcituated, and too inacceſſible for the Horſe, the Captain of Dragoons was killed at the firſt Charge, and the Lord *Roſs* ſlightly wounded, beſides Sir *Adam Blaire* ſhot through the Neck, and Sir *William Wallace* of *Creigie* ſhot in the Side; then the Dragoons lighted off their Horſes and came up with great Reſolution, but by this Time Sir *John* had poſted his Men in a Wood behind the Inclosure, who maintain'd their Ground with great Obſtinacy, till at laſt being over-power'd in Number, they were totally overthrown: However, Sir *John*, their Captain, and his Son broke their Way through, though they had the Misfortune to be taken afterwards, and ſent Priſoners to *Edenburgh*, as was alſo one *Rumbald*, the Maltſter, and his Man, that were ſome time before taken by a Party of the King's, under the Earl of *Arran*. 1685.

The unfortunate Earl of *Argile* being committed to Priſon in the Caſtle of *Edenburgh*, upon the laſt of June he was brought forth to the Market-Croſs, near which (according to the Sentence of Death) he was beheaded; his Head was ſet up upon the *Toll-Booth*, and his Body was laid in St. *Magdalen*'s Chappel in the Cowny-*Gate*; the Earl made no Speech upon the Scaffold, but delivered a Paper to the Dean of *Edenburgh*, to be given to the Lord Chancellor. *Argile* beheaded.

Now we return to *England* again, where we find a more remarkable Tranſaction on the Stage of this Nature, and accompanied with the ſame Tragical Circumſtances, for on the 13th of *June* the King received an Expreſs from the Mayor of *Lime*, that the *Tourſday* before the Duke of *Monmouth* landed with about 150 Men at *Lime*, and had poſſeſs'd himſelf of the Town, and had ſent ſome of his Number into the Neighbouring Countries, to raiſe the People. Which News did not a little perplex the King, as alſo the Parliament then ſitting; and thereupon a Proclamation was iſſued forth immediately, declaring, 'That whereas the King had received certain Information, that the Duke of *Monmouth*, the Lord *Grey*, and ſeveral others, were landed at *Lime*, in *Dorſetſhire*, in a hoſtile Manner, and had poſſeſs'd themſelves of the Town, &c. Therefore he declared the Duke of *Monmouth*, and all his Adherents and Abettors, Traytors and Rebels, and required the *Monmouth* lands in *England*.

1685. 'Deputy-Lieutenants, and other Officers, to appre-
'hend them as Traytors: And the Parliament bein
informed of the ſame by the King, both Houſes imme
diately in their Addreſſes reſolved to ſtand by his Ma
jeſty with their Lives and Fortunes, againſt the ſai
Duke and all his Rebels and Traytors, and all othe
his Enemies whatſoever; and upon the 16th of thi
Month the King repaired to the Parliament-Houſe
gave his Royal Aſſent to ſeveral Acts, one of whic
was an Act to attaint *James*, Duke of *Monmouth*, o
High-Treaſon; and at the ſame time a Proclamatio
was iſſued forth, *for apprehending of all Perſons that ſhou
publiſh or diſperſe the Duke of* Monmouth's *Decla
ration*; which I think not improper to be inſerted i
this Place.

D. of *Monmouth*'s Declaration.

'AS Government was originally inſtituted by Go
'and this or that Form of it choſen and ſubmitte
'to by Men, for the Peace, Happineſs and Security
'the Governed, and not for the private Intereſt an
'perſonal Greatneſs of thoſe that rule: So that G
'vernment has always been eſteem'd the beſt, whe
'the ſupream Magiſtrates have been inveſted with
'the Power and Prerogatives that might capacita
'them, not only to preſerve the People from Violen
'and Oppreſſion, but to promote their Proſperity; a
'yet, where nothing was to belong to them by t
'Rules of the Conſtitution, that might injure and o
'preſs them. And it hath been the Glory of *Engla*
'above moſt other Nations, that the Prince had all
'truſted with him that was neceſſary, either for t
'advancing the Welfare of the People, or his own Pr
'tection, in Diſcharge of the Office; and withal ſto
'ſo limited and reſtrain'd by the fundamental Terms
'the Conſtitution, that, without a Violation of
'own Oath, as well as the Rules and Meaſures
'the Government, he could do them no hurt,
'exerciſe any Act of Authority, but through the A
'miniſtration of ſuch Hands as ſtood obnoxious
'be puniſhed in caſe they tranſgreſſed: So that,
'cording to the primitive Frame of the Governme
'the Prerogatives of the Crown, and the Privileges
'the Subject, are ſo far from joſtling one anoth
'that the Rights reſerved unto the People, tende
'render the King honourable and great, and the P

'rogati

rogatives ſettled on the Prince were in order to the Subjects Protection and Safety. But all humane Things being ſubject to Perverſion, as well as Decay, it hath been the Fate of the *Engliſh* Government to be often changed and wreſted from what it was in the firſt Settlement and Inſtitution. And we are particularly compelled to ſay, *That all the Boundaries of the Government have of late been broken, and nothing left unattempted for turning our limitted Monarchy into an abſolute Tyranny*: For ſuch hath been the Tranſaction of Affairs within this Nation for ſeveral Years laſt paſt, that though the Proteſtant Religion and Liberties of the People were fenced and hedged about by as many Laws as the Wiſdom of Man can deviſe, for their Preſervation againſt Popery and Arbitrary Power, our Religion hath been all along countermined by Popiſh Councils, and our Privileges raviſhed from us by Fraud and Violence. And more eſpecially, the whole Courſe and Series of the Life of the Duke of *York*, hath been one continued Conſpiracy againſt the Reform'd Religion, and the Rights of the Nation: For whoever conſiders his contriving the Burning of *London*, his inſtigating a Confederacy with *France*, and a War with *Holland*, fomenting the Popiſh Plot, and encouraging the Murther of Sir *Edm. Godfrey*, his charging Treaſon againſt Proteſtants, ſuborning Witneſſes to ſwear the Patriots of our Religion and Liberties out of their Lives; his hiring execrable Villains to aſſaſſinate the late Earl of *Eſſex*, and cauſing thoſe 'others to be clandeſtinly cut off, in hopes to conceal 'it; his adviſing and procuring the Prorogation and Diſſolution of Parliaments, in order to prevent their looking into his Crimes, and that he might eſcape the Juſtice of the Nation. Such can imagine nothing 'ſo black and horrid in it ſelf, or ſo ruinous and de'ſtructive to Religion and the Kingdom, which we 'may not expect from him. 1685.

'The very Tyrannies which he hath exerciſed ſince 'he ſnatched the Crown from his Brother's Head, do 'leave none under a Poſſibility of flattering themſelves 'with Hopes of Safety, either in their Conſciences, 'Perſons or Eſtates: For, in Defiance of all the Laws 'and Statutes of the Realm, made for the Security of 'the reform'd Proteſtant Religion, he called in Multi'tudes of Prieſts and Jeſuits, for whom the Law makes

1685. 'it Treaſon to come into this Kingdom; and hath im
'power'd them to exerciſe Idolatries: And, beſides hi
'being daily preſent at the Worſhip of the Maſs, h
'hath publickly aſſiſted at the greateſt Fopperies o
'their Superſtition. Neither hath he been more ten
'der in trampling upon the Laws which concern ou
'Liberties, ſeeing in Two Proclamations, whereof th
'one being the collecting of the Cuſtoms, and the othe
'the continuing that part of the Exciſe which was t
'expire at the late King's Death; he hath violently
'and againſt all the Law of the Land, broken in upo
'our Eſtates. Neither is it any Extenuation of hi
'Tyranny, that he is countenanced in it by an extra
'judicial Opinion of 7 or 8 ſuborned and forſwor
'Judges, but rather declaring the Greatneſs and Ex
'tent of the Conſpiracy againſt our Rights; and tha
'there is no Means left for our Relief, but by Force
'of Arms: For advancing thoſe to the Bench that were
'the Scandal of the Bar, and conſtituting thoſe very
'Men to declare the Laws, who were accuſed and
'branded in Parliament for perverting them, we are
'precluded all Hopes of Juſtice in *Weſtminſter-Hall*
'and by packing Juries together by falſe Returns, new
'illegal Charters, and other corrupt Means, he doth
'at once deprive us of all Expectations of Succour
'where our Anceſtors were wont to find it; and hope
'to render that which ought to be the People's Fence
'againſt Tyranny and the Conſervator of their Liber
'ties, the Means of ſubverting all our Laws, and o
'eſtabliſhing his Arbitrarineſs, and confirming ou
'Thraldom. So that unleſs we could be contented t
'ſee the reform'd Proteſtant Religion, and ſuch as pro
'feſs it, extirpated, Popiſh Superſtition and Idolatry
'eſtabliſhed, the Laws of the Land trampled unde
'Foot, the Liberties and Rights of the *Engliſh* Peopl
'ſubverted, and all that is ſacred and civil, or of Re
'gard amongſt Men of Vertue or Piety, and unleſs w
'could be willing to be Slaves, as well as Papiſts, an
'forget the Example of our noble and generous Ance
'ſtors, who convey'd our Privileges to us at the Ex
'pence of their Blood and Treaſure; and withal, b
'unmindful of our Duty to God, our Country and Po
'ſterity; deaf to the Cries and Groanes of our oppre
'ſed Friends, and be ſatisfied not only to ſee them an
'our ſelves impriſon'd, robb'd and murther'd, but th

'Pro

Protestant Religion throughout the whole World be- 1685.
ray'd to *France* and *Rome*; we are bound, as Men and
Christians, and that in Discharge of our Duty to God
nd our Country, and for the Satisfaction of the Pro-
estant Nations round about us; to betake our selves
o Arms; which, we take Heaven and Earth to Wit-
ess, we should not have done, had not the Malice
f our Enemies depriv'd us of all other Means of Re-
ress; and were not the Miseries that we already feel,
nd those which do further threaten us, worse than
he Calamities of War. And it is not for any personal
njuries, or private Discontents, nor in Pursuance of
ny corrupt Interest, that we take our Swords in our
lands, but for vindicating our Religion, Laws and
ights, and rescuing our Country from Ruine and
estruction, and for the Preserving our selves, Wives
nd Children from Bondage and Idolatry. Wherefore,
efore God, Angels and Men, we stand acquitted
om, and do charge upon our Enemies all the Slaugh-
r and Devastations that unavoidably accompany in-
stine War.

Now therefore we do hereby solemnly declare and
oclaim War against *James*, Duke of *York*, as a
urtherer, and as an Assassin of innocent Men, a
raytor to the Nation, and a Tyrant to the People:
nd we would have none that appear under his Ban-
r to flatter themselves with Expectation of Forgive-
ss, it being our firm Resolution to prosecute him
d his Adherents, without giving Way to Treaties
d Accommodations, until we have brought him and
em to undergo what the Rules of the Constitution,
d the Statutes of the Realm, as well as the Laws of
ature, Scripture and Nations, adjudge to the Pu-
hment due to the Enemies of God, Mankind, their
unty, and all Things that are honourable, vertu-
s and good.

And though we cannot avoid being sensible, that
ny have, from Cowardize, Covetousness and Am-
ion, co-operated to the Subverting of our Religion,
d enslaving their Country; and yet would have
e, from a Despair of finding Mercy, persevere in
ir Crimes, and continue the *Ruine of the Kingdom*;
we exclude none from the Benefit of *Repentance*,
t will join with us in the *Retrieving that they have*
n accessary to the Loss of: Nor do we design Revenge

upon

1685. ‘ *upon any but the Obſtinate, and ſuch as ſhall be found* ‘ *this Junctnre yielding Aid and Aſſiſtance to the ſaid* Jame ‘ *Duke of* York.

‘ And that we may both govern our ſelves in th ‘ Purſuit of this *Glorious Cauſe*, wherein we are engag ‘ and give Encouragement to all that ſhall aſſiſt us *in* ‘ *righteous an Undertaking*, we do, in the Preſence of t ‘ Lord, *who knoweth the Secrets of all Hearts, and is* ‘ *Avenger of Deceit and Falſhood*, proclaim and publi ‘ what we aim at; and for the obtaining whereof, ‘ have both determined to venture, and are ready to l ‘ down our Lives. And tho' we are not come into t ‘ Field to introduce Anarchy and Confuſion, or for la ‘ ing aſide any part of the old *Engliſh* Government, ‘ our Purpoſes and Reſolutions are, *to reduce Toing* ‘ *that Temperament and Balance, that future Rulers* ‘ *remain able to do all the Good that can be either deſire* ‘ *expected, and that it may not be in their Power to inv* ‘ *the Rights, and infringe the Liberties of the People.*

‘ And whereas our Religion, the moſt valuable Th ‘ we lay Claim unto, hath been ſhaken by unjuſt La ‘ undermin'd by Popiſh Councils, and is now in D ‘ ger to be ſubverted; we are therefore reſolv'd to ſp ‘ our Blood for preſerving it to our ſelves and Poſter ‘ Nor will we lay down our Arms till we ſee it eſta ‘ ſhed and ſecured beyond all Poſſibility of being ‘ planted and overthrown, and untill all the *Penal L* ‘ againſt all the *Proteſtant Diſſenters* be repeal'd, ‘ legal Proviſions made againſt their being diſturbed ‘ reaſon of their *Conſciences*, and for their enjoying ‘ equal Liberty with the other Proteſtants.

‘ And that the Meekneſs and Purity of our Pri ‘ ples, and the Moderation and Righteouſneſs of ‘ End may appear to all Men, we do declare, *Th* ‘ *will not make War upon, or deſtroy any for their Reli* ‘ *how falſe and erroneous ſoever: So that the very Pa* ‘ *provided they withdraw from the Tents of our Enemies* ‘ *be not found guilty of conſpiring our Deſtruction, o* ‘ *bettors of them that ſeek it, have nothing to fear or a* ‘ *hend from us, except what may hinder their alteri* ‘ *Laws, and indangering our Perſons in the Profeſſion* ‘ *reform'd Doctrine, and Exerciſe of our Chriſtian Wo*

‘ Our Reſolution, in the next place, is, *To maint* ‘ *the juſt Rights and Privileges of Parliament, and t* ‘ *Parliaments Annually choſen and held, and not pro*

diſſolved or diſcontinued within the Year, before Petitions be firſt anſwered, and Grievances redreſſed. 1685.

'And ſeeing many of the Miſeries, under which the Nation doth groan, ariſe from the diſplacing ſuch out of the Number of Judges, as would not, *for the Promoting of Popery and Arbitrary Deſigns*, wreſt and miſapply the Laws, and from conſtituting corrupt and mercenary Men in their Rooms, on purpoſe to ſtretch the Laws beyond the Reaſon and Intention of them; and to declare that for Law which is not; we can neither with Silence paſs over the mentioning of them; nor ſhould we have Peace in our ſelves, if we did not endeavour to prevent the like Miſchief in time to come: For, by reaſon of ill Men's being advanced to the Bench, and holding ther Places only *durante beneplacito*, many Perſons have been condemned in exorbitant Crimes, or for ſeveral ſmall ones: Many Statutes made for the Safety of the Subject, particularly the *Habeas Corpus* Act, have been wickedly eluded, *to the Oppreſſion of innocent and loyal Men.* The Popiſh Lords that were impeach'd in Parliament for a moſt helliſh Conſpiracy, have, to the ſubverting the Rights of the Houſe of Lords, been diſcharged and ſet free. The impoſing a Mayor and Sheriffs upon the City of *London* by Fraud and Violence, have been juſtified, and thoſe who, in Diſcharge of their Duty, oppoſed it, illegally proſecuted, and arbitrarily puniſh'd. *London*, and other Cities and Corporations, have been robbed of their Charters upon unrighteous Judgments of pretended Forfeitures. Sir *Thomas Armſtrong* executed, without being allow'd the Benefit of a Tryal. Col. *Algernoon Sidney* condemned to die, upon the Depoſition of one ſcandalous Witneſs. And that loyal and excellent Perſon, the late *William*, Lord *Ruſſel*, murther'd for alledged Crimes; in Reference to which, if all had been true which was ſworn againſt him, yet there was nothing which, according to Law, could have reached his Life. Upon the Conſideration aforeſaid, we further declare, that we will have Care taken for the future for the debarring ignorant, ſcandalous and mercenary Men from the Adminiſtration of Juſtice; and that the Judges ſhall hold their Places by the ancient Tenure of *quamdiu ſe bene geſſerint*; and to leave it to the Wiſdom of a Parliament, to ſettle ſome Way and Method for the Approbation of ſuch as ſhall be advanc'd to the Degree and Dignity of Judges. 'And

1685. 'And forasmuch as the Invasion made on the Right
'of Cities, Boroughs and Towns Corporate, the Seisu
'of their Charters, whether by Surrender, or upon Pre
'tence of Forfeiture, have been wholly arbitrary and il
'legal; we likewise therefore declare, We will, to ou
'utmost, endeavour to see them repossessed in what the
'formerly had, and could legally lay Claim to; and tha
'we do esteem all Judgments given against them, an
'all Surrenders made be a corrupt and perjured Part
'amongst them, null and void in Law; and do hold an
'declare their old Charters, notwitstanding the new on
'lately granted, to be good and valid: And according
'ly, we do encourage and invite all honest Burgesse
'and Freemen to re-assume the Rights and Privileges
'which, by Virtue of the said old Charters, belong'd t
'their several and respective Corporations; and to de
'liver themselves from those late Parasites, and Instru
'ments of Tyranny, set up to oppress them.

'Moreover, for the Restoring the Kingdom to it
'primitive Condition of Freedom and Safety, we will
'have the *Corporation* and *Militia-Acts* repealed: An
'all Outlawries of Treason against any Person what
'soever, upon the late pretended Protestant Plot, re
'versed; and also, all other Outlawries, Banishments
'Warrants, Judgments, Imprisonments, and injurious
'Proceedings against any other Persons, upon any of th
'penal Statutes made against Protestant Dissenters, mad
'null and void. And we will have new Laws enacte
'for placing the Election of Sheriffs in the Freeholder
'of the several Counties, for settling the *Militia* in th
'several Shires, and for preventing all Military Stand
'ing Forces, except what shall be raised and kept by
'Authority and Consent of Parliament.

'And whereas several Gentlemen, and others, wh
'have been worthy and zealous Assertors of the Pro
'testant Interest, and Laws of the Kingdom, are no
'in Custody in divers Places within the Realm, upo
'most unjust Accusations, Pretences, Proceedings an
'Judgments; we do hereby further declare their sai
'Imprisonments to be illegal; and that in case an
'Violence shall be offered to them, or any of them
'we will revenge it to the utmost upon such of ou
'Enemies as shall fall into our Hands.

'And whereas the said *J.* D. of *Y.* in order to the Ex
'pediting the idolatrous and bloody Designs of the Pa
'pist

piſts, the Gratifying his own boundleſs Ambition after a Crown, and to hinder Enquiry into the Aſſaſſination of *Arthur*, E. of *Eſſex*, hath poiſon'd the late King, and thereby manifeſted his Ingratitude, as well as Cruelty to the World, in murthering a Brother, who had almoſt ruined himſelf, to preſerve and protect him from Puniſhment; We do therefore further declare, That for the aforeſaid villainous and unnatural Crime, and other his Crimes before-mention'd, and in purſuance of the Reſolution of both Houſes of Parliament, who voted to revenge the King's Death in caſe he came to an *Untimely End*, we will proſecute the ſaid *J.* D. of *Y.* till we have brought him to ſuffer what the Law adjudged to be the Puniſhment of ſo execrable a Fact. 1685.

'And in a more particular Manner, his Grace the D. of *Monmouth*, being ſenſible of the barbarous and horrid Parricide committed upon his Father, doth reſolve to purſue the ſaid *J.* D. of *Y.* as a mortal and bloody Enemy; and will endeavour, as well with his own Hand, as by the Aſſiſtance of his Friends, and the Law, to have Juſtice executed upon him.

'And the ſaid *James*, D. of *Monmouth*, the now Head and Captain-General of the Proteſtant Forces of this Kingdom, aſſembled for the End aforeſaid, from the Generouſneſs of his own Nature, and the Love he bears to theſe Nations, whoſe Welfare and Settlement he infinitely prefers to whatſoever concerns himſelf, doth not at preſent inſiſt upon his Title, but leaves the Determination thereof to the Wiſdom, Juſtice and Authority of a Parliament, legally choſen, and acting with Freedom: And in the mean time, doth profeſs and declare, by all that is Sacred, That he will, in Conjunction with the People of *England*, employ all the Abilities beſtowed upon him by God and Nature, for the Re-eſtabliſhment and Preſervation of the Proteſtant Reformed Religion in theſe Kingdoms, and for Reſtoring the Subjects of the ſame to a free Exerciſe thereof, in Oppoſition to Popery, and the Conſequences of it, Tyranny and Slavery. To the Obtaining of which End, he doth hereby promiſe and oblige himſelf to the People of *England*, to conſent unto, and promote the Paſſing into Laws all the Methods aforeſaid; that it may never more be in the Power of any ſingle Perſon on the Throne to deprive their Subjects of their

'Rights,

1685. 'Rights, and to ſubvert the Fundamental Laws of th
'Government, deſign'd for their Preſervation.
'And whereas the Nobility, Gentry and Commons o
'*Scotland*, are now in Arms upon the like Motives an
'Inducements that we are, and in Proſecution of En
'agreeable with ours, we do therefore approve the ju
'ſtice of their Cauſe, commend their Zeal and Courag
'expecting their, and promiſing our Aſſiſtance, for ca
'rying on that glorious Work we are jointly engage
'in; being obliged, avoiding Tediouſneſs, to omit th
'Recounting the many Oppreſſions under which th
'Kingdom hath groaned, and the giving a Deductio
'of the ſeveral Steps that have been taken for Introdu
'cing of Popery and Tyranny. We think fit there
'fore to ſignifie both to our Country-men and Foreign
'ers, that we intend a larger Teſtimony and Remon
'ſtrance of the Grievances, Perſecutions, Cruelties an
'Tyrannies we have of late lain under; and therein
'a more full and particular Account of the unparalell
'Crimes of the D. of *Y.* And we make our Appeal un
'to GOD, and all Proteſtant Kings, Princes, State
'and People, concerning the Juſtice of our Cauſe, an
'the Neceſſity we are reduced unto, of having our Re
'courſe to Arms. And as we do beſeech, require, an
'adjure all ſincere Proteſtants, and true *Engliſh* Me
'to be aſſiſting to Us, againſt the Enemies of the Go
'ſpel, Rights of the Nation, and Liberties of Man
'kind; ſo we are confident of obtaining the utmo
'Aid and Succour which they can yield us with the
'Prayers, Perſons and Eſtates, for the Dethroning th
'ſaid Tyrant, *&c.* Nor do we doubt being juſtifie
'countenanced and aſſiſted by all Proteſtant King
'Princes and Commonwealths, who either regard th
'Goſpel of *Jeſus Chriſt*, or their own Intereſt. An
'above all, our Dependance and Truſt is upon the Lor
'of Hoſts, in whoſe Name we go forth, and to whom
'we commit our Cauſe, and refer the Deciſion betwi
'us and our Enemies in the Day of Battle. *Now let*
'*play the Men for our People, and for the Cities of our Go*
'*and the Lord do that which ſeemeth good unto him.*

D. of *Monmouth*'s Progreſs.

The Duke on *Sunday* the 14th of *June*, about Thre
of the Clock in the Morning, march'd out of *Lime* wi
60 Horſe, and 120 Foot, and came to *Bridport*, whe
Mr. *Will. Strangewys* and Mr *Edw. Coker* were both u
happi

ppily ſlain by ſome of his Party, who were greedy take up Horſes for their own Service, from whence bent his March toward *Taunton*, greatly encreaſing is Number, for all the Dukes of *Albemarle*, *Somerſet* nd *Beaufort* poſted themſelves to prevent the Country's oming into him: After many Marches, and ſome Skirniſhes between the Duke and the King's Party, which eing not very material, I purpoſely omit, the Earl of *verſham*, who commanded the King's Forces in chief, eing advanced from *Somerſet* as far as *Weſton*, within hree Miles of *Bridgewater*, quarter'd his Horſe and ragoons in the ſaid Village, and encamped his Foot an advantageous Poſt near it, fronting towards a ſpaious Moor, and having a Ditch before them. In the vening the Earl had Notice, that the Duke was withrawing out of the Town, which made him keep his roops in Readineſs, and ſend out frequent Parties to bſerve the Motion of the Enemy, but the Duke ſo dexrouſly order'd his March, and with ſuch a Secreſie, hat he got a Paſſage without Diſcovery or Oppoſition nto the ſaid Moor, and there, towards Morning, drew p his Foot in Battle Aray, to the Number of between and 6000 Men, and in this Poſition, the Duke being the Head of them, they got within a little way of he King's Camp; the Earl's advanced Guards having iſcovered the Approach of the Enemy, by this Time ave the Alarm, whereupon the General, with all Exedition, put his Men, to the Number of 2000 Foot nd 500 Horſe, in a Poſture to receive them; then the ight began by the Duke's Men, making ſeveral loud houts, and briſk Vollies being repeated on both Sides, he Duke's Horſe were coming to ſecond the Foot, but ere intercepted and briskly charged by Col. *Ogletorp*, then the Earl of *Oxford*'s Regiment, and a Deachment of the Guards came in to form the Lines. It true, the Reſiſtance made by the Duke's Horſe, comanded by the Lord *Grey*, was very inconſiderable, he Reaſon whereof was (as the King's Party ſaid) their ndexterity in Martial Diſcipline, and being never rawn up in a Body before, gave Way before all that harg'd them, and ſoon (being more fit for running than ghting) quitted the Field: But others affirm, That here was Treachery in that Lord. But the Foot all his while ſtood firm on both ſides, exchanging Vollies ith equal Eagerneſs, being debarred from a cloſe Engage-

1685.

Monmouth defeated.

1685. gagement by the Ditch that was between them; how-
ever, the Cannon coming up, and the King's Horſe
breaking upon the Duke's Infantry, they were at laſt
put to the Rout, leaving Three Pieces of Cannon and
all that they had behind them. About 2000 fell a Victim
to the Sword, and ſeveral were taken Priſoners, among
the reſt Col. *Holms*, and *Perrot*, his Major, the Conſtable
of *Crookhorn*, and *Williams*, then Servant to the Duke
of *Monmouth*, having 200 Guinea's of the Duke's Mo-
ney about him; the Coat alſo the Duke uſually wore
was found amongſt the Booty, which occaſion'd a Re-
port that he was ſlain; but this was confuted ſoon after
by an Account of his being taken at *Ring-wood*, upon the
Borders of *Dorſetſhire*, hiding himſelf in a Ditch, as was
alſo the Lord *Grey*, in a diſguiſed Habit, near the
Place, taken by the Lord *Lumley*.

Monmouth committed to the *Tower*.

Upon the 13th of *July* the Duke and the Lord Grey
were both brought to *London*, and committed to the
Tower, and on the 15th the Duke, by Vertue of an Act
tainder paſt upon him (as we mentioned before) in this
Parliament, was Beheaded on *Tower-Hill*, where he was
attended by the Biſhop of *Ely*, the Biſhop of *Bath and*
Wells, Dr. *Tenniſon* and Dr. *Hooper*, as his Aſſiſtants to
prepare him for Death; the Duke upon the Scaffold, was
cloſely preſſed upon to acknowledge the Doctrine of Non-
Reſiſtance in particular, which he would not, alledging
That he acknowledged the Doctrine of the Church of England
(in the Communion of which he lived and died) in general;
the Aſſiſtants replied, *That ſince he profeſſed himſelf to*
be of the Church, he ought to acknowledge in particular the
Doctrine of Non-Reſiſtance; the Duke ſaid, *That the gene-*
ral Acknowledgment of the Church of England's *Doctrine in-*
cluded all; and a great deal more to the ſame Purpoſe;
and after his joining with them in Prayers (though the
Aſſiſtants ſaid they could not pray ſo heartily as if he
had owned that Doctrine, ſo often preſſed upon him)
at laſt ſubmitted his Neck to the fatal Stroak, and left
this Paper behind him:

And Beheaded.

Monmouth's Paper.

'I Do declare, That the Title of King was forced
upon me, and that it was very much contrary to
my Opinion, when I was proclaimed. For the Sa-
tisfaction of the World, I do declare, that the late
King told me, *He was never married to my Mother*.
Having declared this, I hope that the King who
now

ow, will not let my Children ſuffer on that Account. 1685.
nd to this I put my Hand this 15th Day of
uly, 1685.

MONMOUTH.

There were Two Medals coined upon Occaſion of
ſe Rebellions in both the Kingdoms; the firſt was
s:



LXXV

1685. Here you ſee the King in Buſt, crown'd with Lau
rel, &c. placed upon a large Baſis or Altar; on th
Front of which are the Arms of *England*, &c. wi
the Garter, and over it the Crown.

Exurge.
Aras & Septa Tuemur.

Upon the Altar lie Four Scepters, bearing on the
Tops the *Roſe*, *Lilly*, *Thiſtle* and *Harp*: Upon each ſi
is repreſented the *Sea*, with *Neptune* holding the Tr
dent, drawn in a Chariot by *Marine Horſes*; wi
Two Veſſels under Sail on the other ſide.

Inſcription
Jacobus II. *D. G. Mag. Bri. Fran. & Hib.*
Rex, 1685.

Reverſe.
Juſtice (upon whoſe Head the Sun darts his Bea
and the Lightning iſſues out of a dark Cloud) wi
Sword and Ballance; holds in one Scale *Mural Crow*
which preponderate the other; in which there i
Scimitar, a *Proteſtant Flail* (as then called) with
Serpent, whilſt he tramples on another Serpent, n
Two Headleſs Bodies; their Heads lying on T
ſquare Blocks, on each ſide of *Juſtice*: On that of
Right Hand,

Jacobus De Monmout.

On the Left Hand,

Archibald D. Argyl.

Upon one ſide of the Carcaſſes are repreſented
diers routed and flying away; on the other a Ca
with Two Heads fix'd on Spikes over the Gate;
on the Pedeſtal,

Ambitio. Male Suada. Ruit.

The other was this:



It is the Effigies and Buſt of the Duke of *Monmouth* himſelf, without any Inſcription at all.

The Reverſe repreſents a young Man precipitating himſelf from a ſteep Rock into the midſt of the Sea, upon which are placed Three Crowns amongſt Brambles and Shrubs.

Saperi Riſere. July 6. 1685.

1685. Soon after the Parliament being prorogued, the Kin
published his Proclamation, That *George Speak*, Franc
Charleton, *John Wildman*, Esqs; Col. *Danvers* and Jo
Trenchard, Esq; should appear within Twenty Days a
ter the Date thereof, as being suspected of several Tra
torous Practices and Conspiracies against the King an
Government; however, they were so prudent as t
keep out of the Way: But the Lord *Stamford*, the Lor
Brandon, and the Lord *Delamere*, were all Three seize
and clap'd into the *Tower*; tho' as some were disgraced
others were advanced to Honour. For about this Tim
the Duke of *Norfolk*, the Earl of *Peterborough*, and th
Earl of *Rochester*, were all Three install'd Kights o
the Garter at *Windsor*, by the Dukes of *Ormond* an
Beauford, commission'd for that Purpose by the Sove
reign of the Order, and not long after the same Ho
nour was conferr'd upon the Earl of *Feversham*, fo
his great Service against *Monmouth* at *Sedgemore* En
gagement.

Jeffrey's Cruelty in the West.

Now the Lord Chief-Justice *Jeffreys* had a speci
Commission of *Oyer* and *Terminer* granted, to try a
Monmouth's Adherents in the West; and indeed h
made use of it with a Witness, even to Barbarity it sel
the first that fell under his mercileſs Resentment w
one *Alice Liſle*, one whose Age, if not Sex, could fin
(one should think) some Tenderness at his Hands; bu
to be a little more particular, the Sequel will justif
this our unusual Reflection upon this Person, who, th
the Jury brought the Prisoner in Three times not gui
ty, yet by Threats and Comminations he prevailed
last, that she was brought in guilty of High-Treaso
and was beheaded for it. Her Crimes were, that sh
had conceal'd Mr. *Hicks*, the Non-conformist Minist
and *Richard Nelthorp*, who was a perfect Stranger, as th
other was in no Proclamation. But the Convention, aft
K. *William* came in, were so much satisfied of the Ill
gality of the severe Proceedings of *Jeffreys*, that the
reversed the Judgment of her Death.

Jeffreys, after this was done, posted to *Dorchest*
where understanding there were 30 Persons that h
been found by the Grand-Jury to have been assisting t
Duke of *Monmouth*, my Lord told the Prisoners, wi
a great deal of seeming Sincerity, *That if any one*
them there indicted would relent for their Conspiracies a
plead guilty to the same, they should find him to be a merci
Judg

dge; but for all his Quaintneſs and Elegancy of 1685.
eech to perſwade them to it, yet they pleaded *not*
lty; yet 29 of the 30 being found guilty, were im-
diately executed, for the terrifying of others from
ſtifying themſelves: But to ſee the Clemency of this
dge, there were 80 more out of 243, who were de-
ed to plead guilty to their Indictments, executed;
d near as many at *Exeter* ſerved ſo by the like De-
ion; and his Cruelty at *Taunton* and *Wells*, where he
t a Period to his bloody Execution, was not inferior
leſs inhuman to the forementioned ones; for in theſe
wo Places he paſſed Sentence of Death upon 500 Per-
s, whereof 239 were executed, and had their Quar-
s ſet up in the principal Places and Roads of thoſe
untries, to the no ſmall Annoyance of thoſe Parts.
And here not to omit Col. *Kirk*, one of the King's Of-
rs, he, after the Overthrow of the D. of *Monmouth*,
ſed 90 wounded Men to be hang'd, without per-
tting their Wives and Children to ſpeak to them;
to expreſs his Joy to be the Author of ſuch unheard
Severity, he cauſed his Pipes to play, Drums beat,
Trumpets ſound, at the Execution of the poor
retches, and their Quarters being boil'd in Pitch,
re ſet up in ſeveral Parts of the Town; at laſt, after
k and *Jeffreys* had play'd their Game, and the Lat-
took the Latitude to reprieve thoſe that would pay
n as much as their Necks were worth, whereof
. *Prideaux*, tho' innocent, was forced to purchaſe his
e at the Rate of 14500 Pounds, whereas others ha-
g not wherewithal to ſatisfie his Avarice, were fairly
for Slaves into the *American* Plantations, a Procla-
ion of Pardon came out, but not without a great
ny Exceptions, and ſuch as Mr. *Coke* takes the Li-
y to call ridiculouſly Cruel. About the ſame time
ther Proclamation was iſſued forth for the Appre-
ſion of the Earl of *Macclesfield*, requiring alſo that
Perſon ſhould receive or harbour him, upon Pain of
ergoing the utmoſt Severity of the Law.
Now it being the Month of *Sept.* Sir *George Jeffreys*,
ady made Baron of *Wem* in *Shropſhire*, was made
d Chancellor of *England*, that Place being vacant
he Death of the Right Honourable *Francis*, Lord
dford, which happen'd on the 28th of this Month,
upon the 11th of *October*, Sir *Edward Herbert* was
e Chief-Juſtice of the *King's-Bench*, and Sir *Robert*

1685. *Wright* removed out of the *Exchequer* into the ſam Court. But to mix Tragedies and Comedies togeth on the 19th, *Henry Corniſh* was brought to his Tr at the *Old-Baily*, for conſpiring the Death of K. *Charl* which was made out thus; *That in the Year*, 1682, *had promiſed to be Aſſiſting to* James, *late D. of* Monmou William Ruſſell, *Eſq*; *Sir* Tho. Armſtrong, *&c. in th Treaſons againſt the King, to raiſe a Rebellion in the Ki dom, and ſubvert the Ancient Government of Monarc*

Mr. *Corniſh* Try'd and executed.

of which he was found Guilty, and afterwards exec ted in *Cheapſide*, as a Traytor: Yet for all this, long after his Quarters were order'd to be taken do and deliver'd to his Relations to be decently Inter as they were in St. *Lawrence*'s Church, by *Guild-H* which ſeem'd to intimate his Innocence, and to b Blemiſh both upon the Judge that condemn'd him, the Jury that found him Guilty; nay, I have heard t the King himſelf ſhould expreſs ſome Regret, as if had had hard meaſure. At the ſame Time alſo w

Other Executions.

Tryed *Will. King*, for harbouring and concealing *Jo Kelloway*, and *Henry Lawrence*, who had both taken p with the D. of *Monmouth* in the Weſt; one *John Fer* was then alſo Tryed for harbouring and conceal *James Burton*, a Perſon outlaw'd for Treaſon; and *Elizabeth Graunt*, for ſuccouring the ſaid *Burton* with M ney, and helping him to a Paſſage, in order to hi ſcape beyond the Seas; and being all found Gui were ſentenced to die as Traytors, the Woman be burnt at *Tyburn*: And upon the 27th of *Octob. Rich Nelthrop* (for whom the Lady *Liſle*, as before-mentio was condemn'd) and *John Ayloff*, were brought f *Newgate* to the *King's-Bench* Bar; where being as *Why Execution ſhould not be awarded againſt them, i gard they ſtood Attainted by Outlawry of High-Treaſon conſpiring the Death of* Charles II. and having not to ſay, becauſe they thought whatever they could would ſignifie nothing, they were both hang'd by of Court, the firſt before *Greys-Inn*, and the other fore the *Temple-Gate*.

Now the 9th of *Nov.* being come, which was Time appointed by Proclamation for the Parliame meet, after the Prorogation from the 4th of *Aug.* t Time, the King repair'd to the Houſe of Lords, there deliver'd himſelf in theſe Words to both Ho

My Lords and Gentlemen,

AFter the Storm that ſeem'd to be coming upon us, when we parted laſt, I am glad to meet you all again in ſo great Peace and Quietneſs; God Almighty be praiſed, by whoſe Bleſſing that Rebellion was ſuppreſſed: But when I reflect what an inconſiderable Number of Men begun it, and how long they carried it on without any Oppoſition, I hope every Body will be convinced, that the Militia, which have hitherto been ſo much depended on, is not ſufficient for ſuch Occaſions, and that there is nothing but a good Force of well diſciplin'd Troops in conſtant Pay that can defend us from ſuch as either at Home or Abroad are diſpoſed to diſturb us; and in Truth, my Concern for the Peace and Quiet of my Subjects, as well as for the Safety of the Government, made me think it neceſſary to increaſe the Number to the Proportion I have done; That I owed as well to the Honour, as the Security of the Nation, whoſe Reputation was ſo infinitely expoſed to all our Neighbours, by having lain open to this late wretched Attempt, that it is not to be repaired without keeping ſuch a Body of Men on Foot, that none may ever have a Thought of finding us again, ſo miſerably unprovided: It is for the Support of this great Charge, which is now more than double to what it was, that I ask your Aſſiſtance in giving me a Supply anſwerable to the Expences it brings along with it; and I cannot doubt, but what I have begun, ſo much to the Honour and Defence of the Government, will be continued by you with all the Chearfulneſs and Readineſs that is requiſite for a Work of ſo great Importance. Let no Man take Exception, that there are ſome Officers in the Army not qualified according to the late Teſts, for their Imployment: Theſe Gentlemen, I muſt tell you, are moſt of them well known to me, and having formerly ſerved me on ſeveral Occaſions, and always approved the Loyalty of their Principles by their Practices; I think them now fit to be employ'd under me, and will deal plainly with you, that after having had the Benefit of their Services in ſuch a Time of Need and Danger, I will neither expoſe them to Diſgrace, nor my ſelf to the Want of them, if there ſhould be another Rebellion to make them neceſſary to me.

1685. King's Speech in Parliament.

1685. 'I am afraid ſome Men may be ſo wicked, to hop
'and expect, that a Difference may happen betwee
'you and me upon this Occaſion; but when you con
'ſider what Advantages have riſen to us in a fe
'Months, by the good Underſtanding we have hithe
'to had, what wonderful Effects it hath already pro
'duced, in the Change of the whole Scene of Affair
'abroad, ſo much more to the Honour of the Natio
'and the Figure it ought to make in the World, an
'that nothing can hinder a further Progreſs in this Wa
'to all our Satisfactions, but Fears and Jealouſies a
'mongſt our ſelves. I will not apprehend that ſuch
'Misfortune can befal us, as a Diviſion, or but a Cold
'neſs between you and us; nor that any thing ca
'ſhake you in your Steadineſs and Loyalty to me, wh
'by God's Bleſſing, will ever make you Returns o
'Kindneſs and Protection, with a Reſolution to ven
'ture even my own Life in the Defence of the true In
'tereſt of this Kingdom.

Debates of the Commons

Hereupon the Earl of *Middleton*, a Member of th
Houſe of Commons, and one of his Majeſty's princip
Secretaries of State, moving, That the Houſe woul
immediately return their Thanks to his Majeſty, for h
moſt gracious Speech, and alſo proceed to the Conſid
ration of anſwering the Ends therein mentioned; afte
ſome Debate it was reſolved, That the Houſe woul
reſolve it ſelf into a Committee of the whole Hou
on *Thurſday* Morning next, at Ten of the Clock, t
take into Conſideration his Majeſty's Speech. Whic
they did accordingly: Mr. Sollicitor being in the Chai
when the Speech was read, and then the Lord *Middl*
ton moved to have it conſider'd by Paragraphs.

Debates about a ſtanding Army.

The Houſe fell into a Debate of this Matter, an
Sir *W. C.* ſpake, That ſome other Force than the M
litia was neceſſary to be found, and moved a Supp
for the Army.

He was ſeconded by the Lord *P.* to this Effect: W
have lately had an unfortunate Proof how little we a
to depend upon the Militia, and therefore ſure we mu
all approve of his Majeſty's increaſing the Forces
what they are. *France* is formidable, now *Holland*
Forces are greatly encreaſed, and we muſt be ſtrong
Proportion, for the Preſervation of our ſelves and *Fl*
ders, and toward that, the good Harmony betwixt t
K

ing and the Houſe hath greatly contributed. It has 1685.
d Two other great Effects abroad.

1. *The* French *King's Army laſt Spring was marching wards* Germany; Crequi *was far advanced, but when e King of* France *heard the Kindneſs of this Houſe to the ing, and the Defeat of* Monmouth, *he recalled them.*

2. *The* French *and* Spaniard *had alſo a Difference a- ut* Hay *and* Fonterreabea: *The* French *advanced their roops, and recalled them on this News.*

This is the noble Effect of the Harmony between e King and this Houſe, who have, I hope, brought e ſame Heart and Loyalty they had the laſt time re.

Hence we may conclude, theſe Levies made by the ing are juſt, reaſonable and neceſſary. And ſo let vote a Supply to anſwer his Majeſty's preſent Oc- ſions.

Of the ſame Opinion was the Lord *R.* who ſaid, *The eſtion is, Whether a Supply or not. I do not intend to ign the Militia, but ſeeing a Soldier is a Trade, and ſt (as all other Trades are) be learned: I'll ſhew you ere the Militia has failed,* viz. *at* Chatham, *and in ne laſt, when the late Duke of* Monmouth *landed, and d but* 83 *Men, and* 300 *l. in Money, who, in ſpight of Militia, nay, in ſpight of ſuch other Forces as the King ld ſpare hence, brought it ſo far as he did.*

If the King of France *had landed then, what would e become of us? I ſay, the Militia is not inſignificant, an additional Force is neceſſary, and ſo a Supply that is ſwerable to it.*

In Oppoſition to theſe, Sir *T. C.* ſpake; If it ſhall pear to you that the King's Revenue he hath al- ady be ſufficient to ſupply all his Occaſions, what en need we give him more?

'Tis moved we ſhould proceed by Paragraph.

To come firſt to the Militia, who (let me tell you) d conſiderable Service in the late Rebellion, and if great Nobleman of this Kingdom had been ſupplied d aſſiſted, it had ſoon been quelled.

A Confidence betwixt the King and the People is ab- utely needful, let it come whence it will our Hap- neſs conſiſts in it.

His Majeſty, on his firſt Entrance on the Crown, d us, He had been miſrepreſented, and that he would ſerve the Government in Church and State now eſta-

1685. eſtabliſh'd by Law, and to maintain us in all our ju Rights and Privileges.

Overjoy'd at this, we ran haſtily into him, we gav him Four Millions (reckoning what we added to hi for Life was worth) at once.

The preſent Revenue is 1900000 *l.* or Two Mil ons Yearly; the Charge of the Government (admi ting this Army kept up) is but 1300000 *l.* Yearly: A pray let us not forget that there was a Bill of Exclu on debated in this Houſe; I was here, and ſhewed m ſelf againſt it; the Arguments for it, were, That *ſhould, in caſe of a Popiſh Succeſſor, have a Popiſh Army*

You ſee the Act of the Teſt already broken, b pray remember what the late Lord Chancellor to you, when the late King (of Bleſſed Memory) p that Act, (the Words were to this Effect;) *By this A you are provided againſt Popery, that no Papiſt can cre into any Place of Employment.* I am afflicted great at this Breach of our Liberties, and ſeeing ſo gre difference betwixt this Speech, and thoſe heretofo made, cannot but believe this was by ſome othe Advice.

This ſtruck at here, is our All, and I wonder the have been any Men ſo deſperate, as to take any E ployment not qualified for it, and would have the fore the Queſtion put, That a ſtanding Army is ſtructive to the Country.

This worthy Gentleman was oppoſed by Sir *J.* who ſaid, The Number of the ſtanding Forces w about 14 or 15000 Men, and they were about half many before, and I conceive we are not ſafe witho theſe Forces to aid and help the Militia. I am not laying the Militia aſide, but I ſay, *there is a Neceſſity a ſtanding Force.*

Half the Charge of thoſe Forces is about 30000 Yearly, the Whole being 600000 *l.* Yearly, I concei is all we need to give for it, of that there rema 200000 *l.* unreceiv'd of the 400000 *l.* given laſt, ſo 200000 *l.* may go towards it, and the reſt may be ſu plied by a Tax on Commodities; as for balanci of Trade, may better be charged than not. I am a Supply.

He had no ſooner done, but Sir *H. C.* reply'd, I *ſt up for, and would not have the Militia reflected on, it very uſeful in the late Rebellion of* Monmouth, *it*

im from Briſtol *and* Exeter, *and is as good as any Army* 1685.
e can raiſe againſt any at Home.

He was ſeconded by Mr. C. who ſaid, *I am for Vindi-ating the Militia, the juſt Cauſe for a Supply, and would ive it, and reward the Officers not qualified, or take them f ſome other way.*

Mr. *A.* dreaded a ſtanding Army, but was for a Sup-ly.

Mr. *W.* alledged, *Kings in old Time uſed to ſend not ly an Account of their Revenues, but of the Charge they ere going to be at, to the Parliament, when they demand-d Aids.* Henry *the Fifth had but* 56000 l. *and Queen* Elizabeth *had* 160000 *and odd Pounds Yearly. I am for Bill for making the Militia uſeful, and would know if we ive Money thus, it be not for ſetting up a ſtanding Army. am for good Guards.*

To which Sir *W. T.* ſubjoin'd, *The Kingdom is guard-d by Law; we are now in perfect Peace; the King is both eared and loved, and an Army little needed; Men are juſt-y afraid: That which made the laſt Rebellion as it was, the Man that headed it, he was a Favourite of the Faction, and o' he had got ſuch a Number, he was beaten by* 1800 *Men nly. I am againſt an Army.*

But Mr. *S.* came cloſer than any of them to the Point, gainſt a ſtanding Army, he having delivered himſelf o this Purpoſe: *This laſt Rebellion has contributed to our uture Peace, and thoſe engaged in it have ſung their Peni-ential Pſalm, and their Puniſhment rejoiced at by all good Perſons. I do not commend the Militia, yet it is not to be ejected, but to be new modelled; and for my part, I had ather pay double to theſe,* (meaning for keeping up the Militia) *from whom I fear nothing, than half ſo much to hoſe, of whom I muſt ever be afraid; and ſay what you will, 'tis a ſtanding Army.*

The laſt Force preſerved the Peace, and was ſufficient to o it in the late King's Time, and is now; all the Profit nd Security of this Nation, is in our Ships; and had there een the leaſt Ship in the Channel, it would have diſappoint-d him.

Supporting an Army, is maintaining ſo many idle Perſons o Lord it over the reſt of the Subjects.

The King declared, No Soldiers ſhould Quarter in Pri-ate Houſes; but that they did. That they ſhould pay for ll Things they took; but they paid nothing for almoſt all hey took.

And

1685. *And for Officers employ'd, not taking the Teſts, it is diſpenſing with all the Laws at once; and if theſe Men be good and kind, we know not whether it proceeds from their Generoſity or Principles: For we muſt remember, 'tis Treaſon for any Man to be reconciled to the Church of Rome; for the Pope, by Law, is declared an Enemy to the Kingdom.*

A Supply given, as moved for, is a kind of an Eſtabliſhing an Army by Act of Parliament; and when they have got the Power into their Hands, we are then to derive it from their Courteſie; and therefore I would have the Queſtion be,

That the Safety of the Kingdom doth not conſiſt with a *ſtanding Force*; and this, it may be, will diſappoint theſe Perſons, that make it their Buſineſs this Way, to make themſelves uſeful.

On the other hand, Sir *T. C.* having moved for an Addreſs, Sir *Too. M.* ſaid, *I am firſt for a Supply; that hinders not an Addreſs: His Majeſty in his Speech only ſays* That the Militia is not ſufficient.

The late long Parliament always own'd ſome Force neceſſary: We are not to name the Number, the King is beſt Judge of that; a great Soldier and a good Prince.

For I hear the Number is 14 *or* 15000; *and I am for a Supply, and never ſaw but Money was always one Part of the Buſineſs of every Parliament.*

There was a bitter Spirit in the Three laſt Parliaments not yet well allay'd; and ſo I conclude a conſiderable Force needful, beſides the Militia. I call thoſe raiſed Guards, and would have a Supply given to ſupport his Majeſty's extraordinary Occaſions.

The Navy wants 6 *or* 800000 l. *and I would give in a Reaſon for it; ſo a Supply may, without a Negative, be given.*

In Oppoſition to this, Serj. *M.* alledg'd, There is already a Law, *That no Man ſhall, on any Occaſion whatſoever, riſe againſt the King: Lords and Deputy-Lieutenants have Power to diſarm the Diſaffected.* If you give thus a Supply, it is for an Army; and then, may not the Army be made of thoſe that will not take the Teſt? Which Act was not deſign'd a Puniſhment for the Papiſts, but a Protection for our ſelves; and giving the Money is for an Army: *I am againſt it.*

Of the ſame Side, tho' not of the ſame Opinion, Sir *R. T.* ſeemed to be with the *Serjeant*, who ſaid, I must concur with the King, *That the Militia is not ſufficient*

I a

m for mending the Militia, and make it ſuch as 1685.
e King and Kingdom may confide in it: To truſt
mercenary Force alone, is to give up all our Liber-
s at once.

If you provide a conſtant Supply to ſupport them,
ſetting up an Army, Sir *Thomas Meers* has turned it
o a Supply for the Navy.

There is no Country in the World has a Law to ſet
an Army; we have already made an ample Supply
the Government. 'Tis for Kings to come to the
ouſe from time to time, on extraordinary Occaſions;
d if this Army be provided for by Law, they will ne-
more come to this Houſe.

I am for giving for the extraordinary Charge paſt.
mies are uſeful when Occaſion is for them; but if
u eſtabliſh them, you can disband them no more.

I am for a Supply, but on this Score of the Militia.
here was not a Company formed till 1588. and as
n as Queen *Elizabeth* had done with her Army, ſhe
banded it. Armies have been fatal often to Princes.
e Army in the late King's Time often turned out
ir Leaders. I am for moving the Houſe, for Leave
a Bill *to mend the Militia.*

When he had done, Sir *W. C.* replied, *The Beef-Eat-
at this rate, may be called an Army.*

Upon which Sir *T. H.* reported, The Colonel may
what he will of the Beef-Eaters, as he Nick-names
m, but they are eſtabliſhed by Act of Parliament.

At length, Mr. *S.* having declared he would make
*That the King's Revenue was ſufficient to maintain the
e on Foot.*

The Queſtion was put, *That a Supply be given to his
jeſty.*

And Sir *Tho. C.* moved, That the Words (*towards the
port of the additional Forces*) might be added.

Upon which the Committee divided. Yea's 156.
's 225. It was carried in the Negative; and then
e Votes paſt; *That a Supply be given to his Majeſty;
that the Houſe be moved to bring in a Bill* to make the
itia uſeful.

On *Friday* the 13th, a Motion being made by the
l of *Middleton*, That the Houſe ſhould proceed to
further Conſideration of his Majeſty's Speech.

The

1685. The House thereupon resolved it self into a Com-
mittee of the whole House; and the previous Questi
should be then put for the House to go on with t
Supply, or proceed to the next Paragraph. The Hou
divided.

For proceeding to the Supply 182. But the qu
being carried in the Negative, they adjourn'd till ne
Day; when

An Address was moved in the Committee by Sir E
Jennings, against the Popish Officers. Others mov
the Inconveniency of it, if not granted, and so let it
lone. Others would have the Catholicks, who h
been so useful and well known to his Majesty, nam
and compensated. Some seem'd to doubt his Majest
Compliance. Others, that it was not to be doubte
when address'd by such a House. At last it came
this Conclusion, That Instructions should be giv
to a Committee to draw an Humble Address to
Majesty.

And Mr. Sollicitor having next Day reported, Th
the Committee appointed had drawn up an Address
his Majesty; the same was read and agreed to, and
as follows, *viz.*

Most Gracious Sovereign,

Commons address the King about Popish Officers.

'WE, your Majesty's most loyal and faithful Su
'jects, the Commons in Parliament assembl
'do in the first place (as in Duty bound) return yo
'Majesty our most humble and hearty Thanks,
'your great Care and Conduct in suppressing the
'Rebellion, which threatned the Overthrow of t
'Government, both in Church and State, to the
'tirpation of our Religion, as by Law establish'd, wh
'is most dear unto us, and which your Majesty h
'been pleased to give us repeated Assurances you
'always defend and maintain, which with all grate
'Hearts we will ever acknowledge.

'We further crave Leave to acquaint your Maje
'that we have, with all Duty and Readiness, taken
'our Consideration your Majesty's Gracious Speech
'us: And as to that part of it relating to the Offi
'in the Army, not qualified for their Employments,
'cording to an Act of Parliament made in the 25th Y
'of the Reign of your Royal Brother, intituled, *An Act*
'*preventing Dangers which may happen from Popish Recus*

'We do out of our bounden Duty, humbly repre- 1685.
nt to your Majeſty,

'That theſe Officers cannot by Law be capable of their Employments, and that the Incapacities they bring upon themſelves that Way, can no way be taken off but by Act of Parliament.

'Therefore out of that great Reverence and Duty we owe to your Majeſty, who have been graciouſly pleaſed to take Notice of their Services to your Majeſty, we are preparing a Bill to paſs both Houſes, for your Royal Aſſent, to indemnifie them from the Penalties they have now incurred; and becauſe the continuing of them in their Employments may be taken to be a Diſpenſing with that Law without an Act of Parliament, the Conſequence of which is of the greateſt Concern to the Rights of all your Majeſty's Subjects, and to all the Laws made for the Security of their Religion.

'We therefore the Knights, Citizens, and Burgeſſes of your Majeſty's Houſe of Commons, do moſt humbly beſeech your Majeſty, that you would be moſt graciouſly pleaſed to give ſuch Directions therein, that no Apprehenſions or Jealouſies may remain in the Hearts of your Majeſty's moſt Loyal Subjects.

The Addreſs being read, and a Motion being made for going to the Lords for their Concurrence, ſome deſired, that it would carry with it the greater Weight, and more likely to have good Effect; and if the Concurrence of the Lords were asked, the Judges in the Lords Houſe would have an Opportunity of ſpeaking their Opinion to it. Others oppoſed it, for the Lords had already given their Thanks to the King for his Speech, as being contented therewith, and that it would be more for the Honour of the Houſe of Commons to addreſs alone. Thoſe that were againſt the Thing it ſelf when it paſt firſt, were about going to the Lords for their Concurrence.

Then the Houſe divided. For asking Concurrence, 208. Againſt it, 212. It paſt in the Negative.

Then the Members of the Houſe that were of his Majeſty's Privy-Council, were ordered to know when his Majeſty would be pleaſed to be attended therewith.

This done, Mr. Sollicitor in the Chair, and the Houſe being reſolved into a Committee of the whole Houſe,

to

1685. to conſider of a Supply for his Majeſty. The Lord *Campden* moved 300000 *l.* to be given to the King for a Supply, which, with 200000 *l.* confeſſed of what was given to ſuppreſs the late Rebellion, made 400000 and was ſeconded by Sir *J. E.* who ſaid, That 1200000 was needful, and that ſuch a Sum had been given before in the ſame Seſſion, when there was an Addre of this kind made to the late King.

Sir *T. C.* oppoſed this, and ſaid, We have this Seſſio already given Cuſtoms and Exciſes for his Majeſty Life.

Additional Duty on Wines, 8 *Years*;	*Yearly*	150000
Tax on Sugar and Tobacco, 8 *Years*;	*Yearly*	200000
Tax on Linen and Eaſt-India *Commodities*, 5 *Years*;	*Yearly*	120000
	In All,	600000

Let us give little now, to have Opportunity to gi more another time; for if we give too much now, ſhall have nothing left to give; and if we proceed thu what we have will be taken from us.

He was ſeconded by Sir *E. J.* who alledged, to gi 1200000 *l.* now, becauſe ſuch a Sum has been given, no Argument; once 2400000 *l.* was given here, a therefore ſhould it be ſo now? 200000 *l.* with what already confeſs'd to be in Caſh, 400000 *l.* and that w maintain the Charge one Year and better; and givi all at once is doubting the Affection of the People.

My Lord *P.* was of another Opinion, ſaying, *voted a Supply laſt Night, and naming ſo little now, ſo ingenious a Way of Proceeding.* We are told Six M lions have been this Seſſions given; I would have y Gentlemen, take Notice, the giving his Majeſty w the late King had, is but ſettling a Revenue that bef was not ſufficient for the Support of the Governme what was given beſides, was part for the late Ki Servants, part for the Fleet and Stores, and part ſuppreſſing the late Rebellion.

To give ſo little now, is not to enable the King defend and preſerve us, which he has promiſed to I am for 1200000 *l.*

So was the Lord *R.* who ſpake to this Effect; *Queſtion is for* 200000 *l. or for* 1200000 *l.* What been given in this Matter already ought not to weighed at all; and what is called Six Millions had Uſes (when given) tack'd to it.

The Revenue his Brother had, had Uſes enough, as, 1685.
The Wine and Vinegar Act, rated at Yearly 150000 *l.*
For the Fleet, Stores, Ordnance and Servants.
The Sugar and Tobacco Act, rated at Yearly 200000 *l.*
For the ſaid Stores, Ordinary and Fleet----
And the Additional Duty on *French* Linnen, and *East-India* Commodities, rated at Yearly 120000 *l.*
For Suppreſſing the late Rebellion----
So there are Uſes for all that, and what is now given, muſt be taken for ſupporting the Forces----
And therefore I am for 1200000 *l.*

Sir *W. C.* back'd him alſo in theſe Words: *Two Hundred Thouſand Pounds is much too little: Soldiers move not without Pay.* No Penny, no Pater-Noſter.

Mr. *E.* moved for 700000 *l.* and mentioned to have it laid upon the new Buildings, which might produce 500000 *l.* and a Poll-Bill for the other 300000 *l.*

On the other Hand, Mr. *W.* was not for giving ſo much, and ſaid, If I knew the King's Revenue were leſs, I would give as far as any Man; but now we are going for this particular Uſe, and if this 200000 *l.* will not do, how can we be ſure that 1200000 *l.* will? If we give too little now, hereafter, if we ſee Occaſion, we may give more; but if we now give too much, I do not ſee how we ſhall ever have it again, tho' I have heard of ſuch a Thing in Q. *Elizabeth*'s Time.

The King (reckoning what he had of his own into the Sum) has 600000 *l.* Yearly more than that the late King had; and when there is Need I am for more, but now I am for 400000 *l.* and to raiſe that eaſie you will be for it: How will you do it?

If you lay it upon Trade, that will make it Revenue, for when once in the Crown for ſome time, it will never get out again. I am for only 400000 *l.* No more than the Lord *C.* ſaying, If the King wants 200000 *l.* I would give him 200000 *l.* but I am for giving no more than he really wants. And Mr. *W.* ſeem'd to be for leſs than either of them, his Words being; We give the Uſe we are asked; I am for the leaſt Sum, becauſe it is an Army, and I would be rid of them as ſoon as I can; and am more now againſt it than I lately was, being ſatisfied that the Country is weary of the Oppreſſions of the Soldiers, weary of Free Quarters, Plunder, ſome Felons, for which they have no Complaint, nor Redreſs: And ſince I heard Mr. *Blaithwait* tell us,

1685. how ſtrict Rules were preſcribed them by the King, find by their Behaviour, the King cannot govern the himſelf, and then what will become of us?

Of the ſame Side was Sir *W. H.* ſaying, The Rebellion is ſuppreſſed, and the Army is urged to be ſm but it is ſo thick of Officers, that by filling up t Troops, which is eaſily at any time done, increa their Number to a Third part more. I am for pro ding for them but one whole Year only, and only 400000 *l.*

Mr. *C.* was alſo for giving the 400000 *l.* but inſiſt We owe beſides that a Duty to our Country, and bound by that Duty to leave our Poſterity as free in Liberties and Properties as we can; and there be Officers now in the Army that have not taken the T greatly flats my Zeal for it, and makes me eſteem Militia, which if we well modelled, and placed Mens Hands of Intereſt in their Country, we are cer and ſo is the King ſecure; for there is no ſuch Secu of any Man's Loyalty, as a good Eſtate.

Reaſons I have heard given againſt Armies, T they debauch'd the Manners of all the People, t Wives, Daughters, and Servants.

Men do not go to the Church where they Quar for fear of Miſchief to be done at their Houſes in t Abſence.

Plow-men and Servants quit all Country Emp ments to turn Soldiers; and then a Court-Marti Time of Peace, is moſt terrible.

In Peace, Juſtices of it, and the Civil Magiſt ought to Puniſh, if applied to.

And what Occaſion then can be for them?

Is it to ſuppreſs a Rebellion in Time of an Inva All then will go towards that.

Or is it to aſſiſt his Allies? the Houſe will give when wanted on that Score.

The Guards I am not againſt, thoſe ſhewed t ſelves uſeful in *Venner*'s Buſineſs, and the late Re on; I am not againſt them, I only ſpeak of thoſe have been new raiſed.

Col. *A.* was of another Opinion, and ſaid, I you the Uſe of theſe Forces; they expected the R of a great Party, and were not theſe Forces ſtandi prevent a Rebellion, you would have one in few D

Mr. *B.* added, If any Diſorders have been commit- 1685.
d, it is not yet too late to have them redreſſed; and
Martial-Law (if by that cleared) does not hinder pro-
eeding at Common Law for the ſame Thing. Four
undred Thouſand Pounds is not enough; no State
ear us in Proportion, but what exceeds this ſmall
umber of Men.

Sir *T. C.*'s Speech ran thus: Seven Millions of Men
England; the Strength of Men in *England* conſiſts in
r Natives, in which (for want of Men) *France* can
ver equal us; their Trade will not breed them; a
ip of 50 Tuns will carry 100000 *l.* of their Goods,
nen and Silks. Ours are bulky Goods, and employs
times more, unleſs you (by burdening of Trade) let
em into the *Weſt-Indies*. Armies are not manageable,
mmanders have been often known to rebel: The
eaſure of our Supply is our Security.

His Majeſty's Declaration ſays, If on Complaint the
ficers give no Redreſs, then complain to the King;
d ſo Juſtice is balked by this Hardſhip put upon the
mplainant.

Sir *W. T.* moved to have it Temporary from Year
Year.

Sir *C. M.* ſaid, Let it be to enable his Majeſty to pre-
ve us in Peace at Home, and to make his Majeſty
midable Abroad, I am for 1200000 *l.* as a Supply an-
rable to the Loyalty of this Houſe.

Sir *H. C.* oppoſed, ſaying, This Houſe was ſo forward
give laſt time, that the King's Miniſters gave their
p to it.

And Sir *J. W.* alledged, The Uſe is to direct the
ntum. I ſee a preſent Neceſſity for continuing theſe
ces, till the Militia is made uſeful; I am for trying
o Years, and ſo for 400000 *l.* and ſo leave the Door
n for coming hither to give another time.

On the other Hand, Sir *T. M.* ſaid, the Principle of
Rebel Party is never to repent. I am for 1200000 *l.*
if ſo much be given, I would have you, Gentle-
n, to remember the Fanaticks are the Cauſe of it.

And Mr. *P.* inſiſted, An Iſland may be attack'd,
withſtanding any Fleet: Ours is much mended, a
ouſand Men daily at Work, ever ſince we had
ney for it, and not one Man in it an Officer that
not taken the Teſt.

1685. So did Col. *O.* ſaying, New Troops are not ſo good old, and more ſubject to commit Diſorders, but will leſs ſo, when they are longer under Diſcipline. The King of *France* never ſends Troops to his Army, till they have been Two or Three Years on Foot in a Garriſon.

Laſtly, When *T. C.* had ſaid, The Train'd-Bands at *Newberry* Fight did brave Things. Then the Queſtion was put, That a Sum not exceeding 400000 ſhould be given to the King.

The previous Queſtion was put; *Yea's* 167. *No's* 17[illegible] It was reſolved in the Negative.

Then the Queſtion was put for 700000 *l.* and [illegible] more. *Yea's* 212. *No's* 170. So it paſſed in the Affirmative.

The Queſtion for 1200000 *l.* being thus waved, was then order'd, That the Committee of the whole Houſe ſhould next Day proceed on his Majeſty's Supply, and on *Wedneſday* to conſider of Heads for a Militia-Bill.

The Houſe reſolved it ſelf into a Committee of the whole Houſe, to conſider the Way for raiſing his Majeſty the Supply. And Mr. *North* being in the Chair Sir *J. E.* mov'd, That an Additional Duty upon Wine might yield 400000 *l.* Yearly; and other Goods be [illegible]med, about 600000 *l.* Yearly; which, with the Continuance for ſome Years of the late Act of Impoſition [illegible] *French* Linens, and *Eaſt-India* Silks, *&c.* might make up the Sum; and told the Houſe, He propoſed the Way to avoid a Land-Tax. The Goods nam'd to be rated were Soap, Potaſhes, to pay 7 *d.* Half-penny treble; unwrought Silks, Deals, Planks, and other Boards, to double. Raiſins and Pruans 2 *s. per Cent.* double. Iron now pays 7 *s. per Cent.* to double. Coperas 18 *s. per Cent.* to double. Oils to 8 or 10 *per* T[illegible] pay now 30 *s.* Drugs will bear Two Thirds more to be rated. Drugs and Spice from *Holland*, Salt, and all prohibited Goods 20 *l. per Cent.* And this I hope may do what is now intended to be raiſed at this Time, by impoſing 4 *l. per* Tun on *French* Wines.

Sir *D. N.* moved much to the ſame Effect, and enlarged on it, and ſaid, The Book of Rates had been [illegible] conſider'd, and theſe Goods capable of bearing the Duties propoſed; but if the King took the 4 *l. per* Tun of *French* Wines, at 20000 *l.* Yearly, he would be a Loſer by it.

O

Other Gentlemen inſiſted on having *French* Linen 1685.
ther charged. The Pepper that is expended here pay-
One Penny a Pound Weight, might pay One Pen-
more, and ſo yield 70 or 80000 *l.* Yearly; and that
llion exported to the *Indies* might bear 5 *l. per Cent.*
encourage the ſending of other Goods (in ſome
aſure) inſtead of it, thither. Sir *R. T.* moved Sub-
es or Land-Tax, but the Houſe inclined to what was
poſed, and being conſented to by the King's Mini-
's, ſeem'd contented with it; ſo was voted, That
Act for laying an Impoſition on *French* Linens, *Eaſt-*
ia Goods, Brandy, *&c.* ſhould be continued for Five
ars, from *Midſummer* to 1690. and be given to his
jeſty as 400000 *l.* And that an Impoſition of 4 *l. per*
n be laid upon all *French* Wines, on which to be
ſed 300000 *l.* which made up the 700000 *l.*

The Time how long this 4 *l. per* Tun ſhould be laid
s not yet determined, an Account being firſt to be
ught from the Cuſtom-Houſe Books, of what Num-
of Tuns were Yearly imported; 'twas ſaid 100000
ns: Others affirm'd, there were near double ſo ma-
The Houſe ſeem'd to incline to 8 or 10 Years, and
the Duties already on it ſhould ſtill continue for
ſame time; which 4 *l. per* Tun, with the Duty it
eady paid, was near 20 *l. per* Tun.

And having adjourned till next Day, Mr. Speaker
uainted them, That his Majeſty having been Yeſter-
attended in the *Banqueting-Houſe* at *Whitehall*, with
Addreſs of Thanks from this Houſe, for his great
e and Conduct, in ſuppreſſing the late Rebellion;
likewiſe concerning the Officers of the Army not
lified for their Employments, was graciouſly pleaſed
eturn an Anſwer to the Effect following.

My Lords and Gentlemen,

Did not expect ſuch an Addreſs from the Houſe of Commons: For having ſo lately recommended to your Conſideration the great Advantages a good Underſtanding between us had produced in a very ſhort Time, and given Warning of Fears and Jealouſies amongſt our ſelves. I have Reaſon to hope, that the Reputation God had bleſſed me with in the World, would have ſealed and confirmed a good Confidence in you for me, and of all that I ſay to you. King's Anſwer to the Commons Addreſs about the Popiſh Officers.

1685. *But however ye proceed on your part, I will be ſteady in all my Promiſes I have made to you, and be juſt to my Word in this and all my other Speeches.*

The ſaid Anſwer was read with all due Reverence and Reſpect, and there being a profound Silence in the Houſe for ſome time after it, Mr. *W.* moved, That a Day might be appointed to conſider on his Majeſty's Anſwer to the late Addreſs of this Houſe, and named *Friday* next.

Mr. *Cook* ſtood up and ſeconded the Motion, and ſaid, *He hoped we were all* Engliſh *Men, and not to be frighted out of our Duty by a few high Words.*

Lord *P.* took preſent Exceptions againſt the Words which, as is uſual, were writ down by the Clerk, and Mr. *C.* called upon to explain---- He ſaid, He intended no Ill by it, and that he did not believe theſe the Words: And that if he had ſaid any thing that had given the Houſe Offence, he was ſorry, and would ask them Pardon for it.

Upon this Sir *C. M.* anſwer'd, It is not enough to ſay, Theſe are not the Words, but you are to ſay what the Words were.

Mr. *C.* replied, I do not make ſet Speeches; I cannot repeat them; and if they did drop from me, I ask the King and you Pardon.

So theſe being took for granted to have been the Words, Mr. *C.* as the Cuſtom is in ſuch Caſes, withdrew into the Speaker's Chamber. And thereupon Mr. *T.* ſaid, Not our own Honour, but the King is concern'd in this; and moved, that he ſhould be brought to the Bar, and there to receive a Reprimand from Mr. Speaker for it. This done,

Sir *H. C.* a Gentleman of great Loyalty, never before of the Houſe, deſired he might have what Favour he could. But Mr. *A.* anſwer'd, A great Reflection upon this Houſe, if this be let paſs. Then ſeveral ſpoke to his Loyalty, but none to excuſe him for this. At laſt the Lord *P.* moved, to have him ſent to the *Tower*. And the Lord *M.* ſeconded it, ſaying, The Meaning of it ſeems like an Incendiary. The *Tower*. This needs no Aggravation; a Reprimand for an Offence to this House might do, but this does not end there; and 'tis a Queſtion whether it be in the Power of the Houſe to paſs it by, the Offence is given to the King, as well

ou: I am for calling him to the Bar in the first place. 1685.
ut 'twas then order'd, That Mr. *C.* for his undecent
peech, should be sent to the *Tower*.

And then Mr. *S.* said, Now this is over, I cannot but
nsent with those who moved for a Day to consider of
s Majesty's Answer; nor think my self so honest as I
ould be, if I now hold my Tongue. And if we do
ke this Matter into Consideration, I doubt not but we
all behave our selves with that Decency to his Maje-
y, that we may hope for a more satisfactory Answer,
an as yet this seems to be to me.

On the other side, Sir *J. E.* opposed, and said, I
pe that Acquiescence that was this Morning in this
ouse, on reading his Majesty's Answer; has ended
is Matter. I do think the King will do all what he
romised, and am for resting there. Upon which Sir
M. moved to adjourn, and said, He did not know
hat to say to it. And Sir *T. C.* alledged, For that very
eason I move for a Day to consider of it; and I do
ot think we shew that Respect we ought to do to the
ing, if we do not.

Then the House adjourned to the 19th, when the
ommittee appointed to search the Custom-House
ooks how many Tuns of *French* Wines were Yearly
nported, reported to the House, That 4*l. per* Tun
id upon *French* Wines, would, all Deductions allow-
, bring in Yearly 350000*l.* Whereupon it was re-
lved, That 4*l. per* Tun be laid upon *French* Wines,
r the Raising of 300000*l.* should be continued from
e 1st of *February*, 1685. Yearly, for Nine Years and
Half.

To which the House agreed, and Mr. Sollicitor was
der'd to bring in a Bill on the Debates of the House,
ith a Clause of a Loan, for the Imposition of 4*l.*
r Tun for the said Nine Years and a Half, from the
t of *December*, 1685.

This done, the House adjourn'd to the 20th, when a
ssage from the King, by the Gentleman-Usher of
e Black-Rod, was brought them to attend him in the
ouse of Peers, where the Lord-Chancellor told them,
e was commanded by his Majesty to let them know, that it
is his Majesty's Pleasure, for many weighty Reasons, That
at Parliament should be Prorogued till the 10th Day of
ebruary. But this Prince never met them, nor any
her, more during his Reign. Parliament prorogued.

1685. After the Prorogation of the Parliament, we find no much Domeſtick News, beſides Tryals, and one Exe cution ſtill upon the Stage; for upon the 26th of Nov the L. *Brandon Gerrard* was brought to his Tryal at the *King's-Bench* Bar, for endeavouring to raiſe Rebellion and to depoſe and deſtroy *Charles* II. and being found Guilty, within Two Days after, receiv'd Sentence o Death, but was afterwards pardon'd; ſoon afte Mr. *Bateman*, a Chyrurgeon, was Tryed at the Old *Baily*, for the ſame Treaſon as the Lord *Brandon Ger rard*, being thought a Branch of the Meal-Tub Plot and being found guilty, was ſoon after executed.

L. B. *Gerard* try'd and condemn'd.

Upon the 15th of *Decem.* the Extraordinary *Venetia* Ambaſſadors made their Publick Entry through th City, from the *Tower* to St. *James*'s Square, and abou Three Days after were conducted to their Publick Au dience, by the Earl of *Derby* and Sir *Cha. Cotterel*, wit all the Honours which are uſually given the Ambaſſa dors of Crown'd Heads.

At the ſame time the Earl of *Clarendon* was ſent Lord Deputy for *Ireland*; and Viſcount *Teviot*, Colonel *Ro bert Philips*, and Mr. *Evelin* of *Deptford*, appointed t execute the Office of Lord Privy-Seal, during his Ab ſence.

Affairs of *Ireland.* But to look a little back into the Affairs of this King dom, we find that ſoon after K. *James*'s Aſcenſion t the Throne, and that the D. of *Ormond*, was diveſte of his Office of *Lord-Lieutenant*, (as we hinted befor that ſeveral worthy Officers of the ſtanding Army *Ireland*, were, for Reaſons not known, caſheer'd, was my L. *Shannon*, Capt. *Fitz-Gerald*, Capt. *Richa Coote*, Sir *George St. George*, and into their Places we put Mr. *Kerny*, *Anderſon*, *Sheldon*, *Graham*, and ſom others, moſt of them being of the *Roman Fraterni* Soon after the Earl of *Clarendon* was ſent *Lord-Lieu nant* thither, Col. *Richard Talbot* arrived in that King dom alſo, with the Honour and Title of Earl, the O fice of Lieutenant-General, and Check-Maſter of t Army, and had Authority to place and diſplace who he pleaſed, who accordingly forthwith put his Pow in Execution, and iſſued out his Orders for modelli the Army, which were no ſooner given but obey and in all Places the Army drawn into the Field, a about 10 or 12 of the oldeſt Men pick'd out, and th Cloaths ſtript off, and their Arms given to *Iriſh* Pap

fore their Faces; and when thoſe Parcels were diſ- 1685.
blin'd, others were ſtill pick'd out, and ſo from time
time, till the whole Army was weeded of its Prote-
nts, and repleniſh'd with Roman Catholicks; the
roopers, as well as the Foot, fared no better; for
ir Horſes, Boots, and other Accoutrements, bought
th their own Money, were taken from them, and
y ſent (without ever a Penny of Money paid them)
go bare-footed, ſome, it may be, 100, others 150
iles to their Friends or Homes, if they had any. In-
ed, the Colonel ſeem'd to be very juſt, promiſing
e Troopers both Money for their Horſes, and the
rears of their Pay, but they muſt go to *Dublin* to re-
ve it; where he ſo order'd it, that they were oblig'd
wait till they had ſpent moſt of what was due to
m, and after all put them off from time to time, ſo
t moſt were forced to return, without any Money,
the Places from whence they came, or where they
uld get or earn their daily Suſtenances.

Theſe were the Methods uſed, whereby 2 or 300 *Engliſh* Gentlemen, who had laid out moſt, if not all ir Portions, and ſome contracted Debts for their mmiſſions, were turned out, without either apparent uſe or Reaſon; ſo were about 5 or 6000 Soldiers t a Pilgrimaging, having nothing to truſt to but the arity of others, which in thoſe Times was very d, anſwerable to the Seaſon of the Year, and the Cli-te of the Country.

All Things being now brought to this Paſs, *Talbot* ted for *England*, to give the King an Account of at was done, and Adviſe about future Matters. Whe-r the Proceedings pleaſed the King or not I am not determine, but true it is, that *Talbot*, in the Beginning *July* this Year, had the Recommendation of Biſhop rel, and others of the *Iriſh* Clergy, as appears by ir following Letter, to be made Lord Deputy-Gene-, and General Governour of *Ireland* (for Lord-eutenant he could not be, becauſe born in *Ireland*) Letter ran thus:

SInce it hath pleaſed the Almighty Providence, by placing your Majeſty on the Throne of your Anceſtors, to give you both Authority, and Occaſion of exerciſing thoſe Royal Vertues which alone do merit, and would acquire you the Crown to which you were *Talbot* recommended for Lord-Lieutenant of *Ireland*.

1685. ‘ were born: We, though comprehended in the gener
‘ Clemency and Indulgence, which you extend to th
‘ reſt of our fellow Subjects, are nevertheleſs, ſo remot
‘ from your Majeſty's Preſence, that our Prayers ca
‘ can have no Acceſs to you, but by a Mediator. An
‘ and of all others the Earl of *Tyrconnel* did firſt eſpou
‘ and chiefly maintain, theſe 25 Years laſt paſt, th
‘ Cauſe of your poor diſtreſſed *Roman Catholick* Clergy
‘ againſt our many and powerful Adverſaries; and
‘ now the only Subject of your Majeſty, under whos
‘ Fortitude and Popularity in this Kingdom, we dar
‘ chearfully and with Aſſurance own our Loyalty, an
‘ and aſſert your Majeſty's Intereſt, do make it our hum
‘ ble Suit to your Majeſty, that you will be pleaſed t
‘ lodge your Authority over us in his Hands, to th
‘ *Terror* of the *Factious*, and *Encouragement* of you
‘ *faithful Subjects* here; ſince his Dependance on you
‘ Majeſty is ſo great, that we doubt not but that the
‘ will receive him with ſuch Acclamations, as the lon
‘ captivated *Iſraelites* did their Redeemer *Mordeca*
‘ And ſince your Majeſty *in Glory and Power* does equ
‘ the mighty *Ahaſhuerus*; and the *Vertue* and *Bounty*
‘ your Queen is a true Parallel to his adored *Heſte*
‘ we *humbly beſeech* ſhe may be heard as our great P
‘ troneſs againſt that *Haman*, whoſe Pride and Ambitio
‘ of being honoured as his Maſter, may have hither
‘ kept us in Slavery. And though we wiſh none th
‘ Fate of ſo dreadful an Example, but rather a Pen
‘ tence and Converſion: We yet humbly crave yo
‘ Majeſty's Protection againſt ſuch, if it may conſi
‘ with your Royal Wiſdom and Pleaſure, to whi
‘ we, with all Humility, ſubmit, in the Eſtabliſhin
‘ of the ſaid Earl of *Tyrconnel* in ſuch Authority her
‘ as may ſecure us in the Exerciſe of our Functio
‘ to the Honour of God, and offering up our Pra
‘ ers and Sacrifice for the Continuation of your M
‘ jeſty's long and proſperous Reign over us.

Dublin, the ---- of *July*, 1685.

Your Majeſty's moſt Dutiful
and Obedient Subje

Talbot made E. of *Tyrconnel.*

Talbot, though he was made Earl of *Tyrconnel* ſo
time before the Date of this Letter, which I can
find as to the particular Day of the Month, yet he

t ſo ſoon obtain to be Lord-Deputy; but the Earl of 1685.
arendon having an Account of what Progreſs they
ade, and ſuſpecting what might, and indeed did fol-
w, reſolved before his being diveſted of his being
ord-Deputy, to conſecrate the Chappel in the new
oſpital at *Dublin*, built for the Uſe of old and decrepid
ldiers, and accordingly did it, before well finiſhed,
oping thereby to prevent it from being converted to
e Exerciſe of the *Popiſh Idolatry*; but *Tyrconnel* (for ſo
e muſt call him now) ſoon removed that Scruple,
d forthwith, after the Earl's Departure out of the
ingdom, with the chief of the *Popiſh Clergy* in *Dublin*,
ith Whips and Scourges, entred the ſaid Chappel,
d after their ſuperſtitious Cuſtom, fell to *laſhing the*
Walls and Floors, to *whip out Hereſie* (as they call it) pul-
d down the Communion-Table and Seats, and erect-
d in it an Altar, and took 3 or 4 of the old Soldiers
ooms adjoining to it, for the Prieſts and Fryars, and
hile they exerciſed in the Chappel, the old Soldiers,
r whoſe Uſe and with whoſe Money it was built, were
rced to have their Devotion in the open Hall, where
ey uſed to dine before; and hereupon all the Prote-
ant Chaplains in the Army were caſheer'd, and Po-
iſh ones put in their Places, who now began to wear
lack Cloaks, made much like the Miniſters Gowns.

But to leave this unhappy Climate for a while, we
ill return to *England*, where we find, that upon the
oth of *Dec. John Hampden*, Eſq; was arraign'd at the Mr. *Hamp-*
ld-Baily, for the ſame *Meal-Tub* Treaſon as *Bateman*, *den's* Trial
ho not thinking it worth his while to contend, as ha-
ing Experience of their Juſtice once already, pleaded
uilty, and caſting himſelf upon the King's Mercy, had
entence of Death paſt upon him.

The Lord *Delamere* had the beſt Fortune of them all,
r his Lordſhip being brought to his Tryal before the My Lord
Lord Chancellor *Jeffreys*, conſtituted L. High-Steward *Delamere*
r the Time being, upon an Indictment of High- tryed and
reaſon, for conſpiring to raiſe a Rebellion againſt acquitted.
ames II. was acquitted by his Peers, it plainly ap-
earing upon the Tryal, that *Thomas Saxon*, who was
Witneſs againſt his Lordſhip, was Perjur'd; for which
erjury he was afterwards tryed himſelf, and being
onvicted, ſuffered according to Law.

The Earl of *Stamford* likewiſe, upon his humble Pe-
tion for the Attorney-General to allow of Bail, for his

Ap-

1685. Appearance at the Lords Bar the First Day of the next sitting of Parliament, was at length brought up by Ha*beas Corpus* into the Court of *King's-Bench*, where Bail was taken for him, with this Addition, That he was likewise to appear at the Council-Board when he should be thereto required: However, at length his Lordship was pardon'd, and so his Bail was discharged.

1686. Now we will return to *Scotland*, and begin this Year with a Narration of what had been acted there; we find that towards the Latter end of *April*, the Earl of *Murray* was sent a new High-Commissioner into that Kingdom, to be present at the Parliament that was to meet by Adjournment, the 29th of the same Month; which being come, after the Opening of the Sessions, then the King's Letter was read, and is the same that here follows.

King's Letter to the *Scotch* Parliament.

My Lords and Gentlemen,

'THE great Testimonies we had of your Loyalty and Affection to our Royal Person and Government at your last Session (in which you not only made an humble Offer of your Duty in ample Manner, and shew'd your Abhorrence of the Rebellion then raised against Us, and your Readiness on that, and all other Occasions, to stand by us with your Lives and Fortunes) but wisely considering how much the Forces which former Parliaments had given us Supplies to maintain, supported by your Assistance, and blessed be God, were Instrumental in ending that unnatural Rebellion; you gave us the Occasion, by augmenting your Supplies, to add to our Forces, and consequently, to your own Security, for all which, as we then return'd you our most Hearty and Royal Thanks, and considered you the Examples to our other Subjects of Loyalty, Duty and Affection to us, (as you had been in our former Difficulties) so it stirred up in us an ardent Desire of making such Returns unto you, as might every way make you find the Advantage of your Faithfulness and Duty to us.

'It is for this End that we have again desired to meet you in this Session.

'We have consider'd your Interest, as much as our Distance from you could bring into our Prospect, and those Things which we found proper for it, whether in Relation to Trade and Commerce, or easing some

'Thing

Things uneaſie to you among your ſelves, we have fully inſtructed our Commiſſioner (with your Advice and Conſent) to conclude ſo, as may be moſt for the general Good of that our ancient Kingdom. 1686.

'We have made the opening of a free Trade with *England*, our particular Care, and are proceeding in it with all imaginable Application, and hopeful in a ſhort time, to have conſiderable Advantages made in it. We have conſidered the Trouble that many are put to daily, by Proſecutions before our Judges, or the Hazard that they lie under for their Acceſſion to the late Rebellions: And to ſhew the World (even our greateſt Enemies themſelves) that Mercy is our inclination, and Severity what is by their Wickedneſs extorted from us, we have ſent down to be paſt in your Preſence, our full and ample Indemnity for all Crimes committed againſt our Royal Perſon and Authority. And whilſt we ſhew theſe Acts of Mercy to the Enemies of our Perſon, Crown, and Royal Dignity, we cannot be unmindful of others our innocent Subjects, thoſe of the Roman Catholick Religion, who have, with the Hazards of their Lives and Fortunes, been always aſſiſtant to the Crown in the worſt of Rebellions and Uſurpations, though they lay under Diſcouragements hardly to be named. Them we do heartily recommend to your Care, to the End that as they have given good Experience of their true Loyalty and peaceable Behaviour, ſo by your Aſſiſtance they may have the Protection of our Laws, and the Security under our Royal Government, which others of our Subjects have, not ſuffering them to lie under Obligations, which their Religion cannot admit of. By doing whereof, you will give a Demonſtration of the Duty and Affection you have for us, and do us moſt acceptable Service.

'This Love we expect you will ſhew to your Brethren, as you ſee we are an indulgent Father to you all.

'For theſe and ſuch other Matters as we conceive for our Service, and the univerſal Good of the Nation, we have ſent our Right Truſty, and Right Entirely Beloved Couſin and Counſellor, *Alexander*, Earl of *Murray*, Secretary of State for that our ancient Kingdom, our Commiſſioner to you, believing that none will be more acceptable than one ſo immediately employ'd and truſted about our Perſon, of whoſe long

'and

1686. ‘ and faithful Services we have full Experience in ev
‘ one of the ſeveral Employments he has been in,
‘ of whoſe Loyalty and Affection to our Perſon
‘ Service we are fully convinced. To him we de
‘ you to give entire Credit, as one fully inſtructed
‘ truſted by us, from whoſe Experience and faith
‘ Endeavours, with your Loyalty, Love and Duty
‘ us, we have good Reaſon to expect a happy Conc
‘ ſion to this Seſſion: And you may aſſure your ſel
‘ in general, and every one of you in particular, T
‘ we ſhall have both the general Concern of the Nati
‘ and yours in our moſt particular Regard, which
‘ ſhall expreſs by our Royal Favour upon all ſuita
‘ Occaſions. So not only expecting your Complian
‘ with us, but that by the Manner of it, you will ſh
‘ the World your Readineſs to meet our Inclinatio
‘ we bid you moſt heartily Farewel.

Given at Our Court at Whitehall, *the 12th Da*
April, 1686. *and of Our Reign the Second Year.*

By His Majeſty's Command,

MELFOR

This done, the High-Commiſſioner took his Pla and delivered himſelf to this Effect. In the firſt pl he ſet forth, How ſenſible the King was of their Lo ty and Zeal for his Service, and of their ſignal Affe ons to his Perſon and Intereſt. He further proceed to let them underſtand how graciouſly his Majeſty reſolved, That they ſhould all ſhare in their ſeve Stations, of the Effects and Influences of his Ro Care and Protection: In order to which, he aſſu them, That the King was endeavouring with all i ginable Care, to open a free Intercourſe of Trade tween *England* and *Scotland*. And that whereas King was inform'd how much the Kingdom of *Scotl* ſuffer'd by the Importation of *Iriſh* Cattle and Victu he was fully inſtructed to Conſent to whatever mi free them from that Inconveniency. And whereas King was alſo inform'd, That the Want of an o Mint was a great Prejudice to Trade, he had full P er to aſſent to what they ſhould think juſt and rea able in that Point. He further inform'd them, T the King at that time did not demand any further S

High-Commiſſioner's Speech.

ies, being fully convinced, that their Alacrity had 1686.
ompted them already to give all that was convenient
them to ſpare. He had alſo full Power to conſent
all ſuch Laws and Regulations as might exact Pay-
ent to the Country from all his Officers and Soldiers
their Quarters: That he was fully impowered to
nſent to an Act of Oblivion, only with ſome neceſ-
y Exceptions. He concluded at laſt, That after all
eſe Royal Favours, they ſhould ſend him back to
Great and Royal Maſter, with the good Tydings
the continued Loyalty of his Ancient Kingdom;
which they ſhould ſhew themſelves the beſt and the
oſt affectionate Subjects, to the Beſt, the moſt In-
mparable, and moſt Heroick Prince in the World.
he Meaning of the laſt Words of the Commiſſioner,
as undoubtedly the King's recommending to them,
aforeſaid, his Roman Catholick Subjects, who had
ith their Lives and Fortunes been always aſſiſtant
the Government, in the worſt of Rebellions and
ſurpations, though they lay under Diſcouragements
rdly to be named. Theſe he heartily recom-
ended to their Care, to the End that as they had
ven good Experience of their true Loyalty and
aceable Behaviour, ſo by their Aſſiſtance they
ight have the Protection of his Laws, and that
curity under his Government which others of his
bjects had, not ſuffering them to lie under Obligati-
s which their Religion could not admit of; by doing
hereof they would give a Demonſtration of the Duty
d Affection they had for him, and do him moſt ac-
ptable Service. this Love he expected they would
ew to their Brethren, as he was an indulgent Father to
em all.

This being done in *Scotland*, we'll leave their Parlia-
ent to conſider of it, and return to *England*, where
e find, that on the 10th of *May* the Parliament met,
d was prorogued to the 22d of *Nov.* And on the 14th
May the King and Queen, with the whole Court,
moved to *Windſor*, where her Royal Highneſs the
e Princeſs *Ann* of *Denmark* was ſafely brought to Bed
a Daughter, which was Chriſtned by the Biſhop of
rham, by the Name of *Anna Sophia*, the Earl of *Fe-*
rſham being God-father, and the Lady *Roſcommond*
d the Lady *Churchil* God-mothers; but ſhe died to-
ards the latter end of the Year, and was buried in

Henry

1686. *Henry* VII's Chappel. On the ſame Day at *Lond*
Miles Prance was brought to the *King's-Bench Bar*, a
Prance try'd. an Information was brought againſt him, of *wilful a notorious Perjury*, as to the Evidence he gave at the Tr als of *Green*, *Berry* and *Hill*, relating to the Murther Sir *Edmundbury Godfrey*; to which the Priſoner, Hopes to mitigate his Puniſhment, pleaded Guilty but upon the 15th of *June* he received Sentence, whi was to pay 100 *l.* Fine, to be brought to all the Cour in *Weſtminſter*, with a Paper in his Hat declaring h Offence; to ſtand in the Pillory before *Weſtminſter-Ha Gate*, at the *Royal-Exchange* and at *Charing-Croſs*, to b whipped from *Newgate* to *Tyburn*, and to be committe in Execution till he paid his Fine. Only the Whi ping from *Newgate* to *Tyburn* was, for his Confeſſio abated him.

Mr. *Johnſon* try'd. Soon after *Samuel Johnſon* was brought to his Try at the *King's-Bench Bar*, upon an Information of Hig Miſdemeanor, for writing and publiſhing Two ſcand lous and ſeditious Libels, being, *His humble Addreſs to* Engliſh *Proteſtants in the Army*; and being found guilt he received Judgment to ſtand in the Pillory at *We minſter-Hall*, *Charing-Croſs* and the *Royal-Exchange*, to p a Fine of 500 Marks, and to be whipped from *Newg* to *Tyburn*; but he being a Clergy-man, was firſt d graded before the Execution of the Sentence.

While theſe Things were acted at Court, the Kin took great Delight to be at *Hounſlow-Heath*, where his A my was, under the Command of the Earl of *Feverſha* in the Quality of Lieutenant-General.

This Summer his Majeſty was pleaſed to take h Progreſs into the *Weſt*; a particular Journal of whic (being it was attended with no extraordinary Remar ables) I will purpoſely omit.

Earl of *Caſtlemain* ſent Ambaſſador to *Rome*. At this Time the Lord *Caſtlemain*, who was ſent Am baſſador to the Pope, was very ſollicitous at th Court, in the King his Maſter's Name, for a Card nal's Cap for the Prince of *Modena*, *Rinaldo d'Eſte*, which, notwithſtanding the Potency and Orthodo (as they call'd it) of the Monarch that recommended to his Holineſs, he would not comply; however, t Conſiſtory laboured very much with the Pope, laying down before him the moſt convincing Arg ments to induce him to a Condeſcenſion; inſomu that the Pope being preſs'd upon with a great deal

portunity, made Answer, That the Difficulty did lie in the Person, but only in this, that he was re- 1686.
red to advance no Man singly, till a general Pro-
tion; upon which the Ambassador *Castlemain* going
t of the Chamber, could not forbear saying, *That
e his Holiness was so stiff upon this Particular, he would
trouble him any more about it.* But to return Home,
he time this Summer there was a Report raised, *That
gland had made a private Agreement with the* Alge-
s, *without the Consent and to the Prejudice of the* Hol-
iers, *under Pretence that those Pyrates had been admit-
into the Ports of* England *to sell the Prizes taken from*
Dutch. But the King, apprehensive of the dange-
s Consequence of such a Report, if pass'd for Truth,
forth a strict Prohibition, *That no Prizes taken from*
Dutch *by the* Algerines *should be sold in any* English
bour, *nor that they should be permitted to furnish them-
s with Provisions and Ammunition in any Ports of his
inions.*

Now the King having conven'd the Twelve Judges
ngland, and demanded their Opinion, whether his
jesty could dispence with any Person from taking
Oath and Test, before he were admitted to hold
Office or Place of Trust in the Kingdom, after a
siderable Debate upon the Subject, all the Judges,
pt one, unanimously concluded, 1. *That the King
an independent Prince.* 2. *That the Laws of the King-
were the King's Laws.* 3. *That the Kings of* Eng-
*might dispence with all Laws that regarded Penal,
and Punishments, as oft as Necessity required.* 4. *That
were Judges and Arbitrators, who had Power to judge
he Necessity, which might induce him to make use of
Dispensations.* And Lastly, *That the Kings of* Eng-
*could not renounce the Prerogatives annex'd to the
n.*

Virtue of these Concessions and Opinions of the
es, a Gate was opened to the Roman Catholicks
nter into all Employments of the Kingdom.
upon the King, to make use of his Prerogative
d him by the Judges, grants a Commission of
siastical Affairs, which came out the Third
of *August*, and for the better understanding of
, it is here inserted, and left to the Reader's
d Construction.

1686. Ecclesiastical Commission.

TO the most Reverend Father in God, our R
Trusty and Right Well-beloved Counsellor, W
liam, Lord Archbishop of *Canterbury*, Primate o
England and Metropolitan; and to our Right Tr
and Well-beloved Counsellor, *George* Lord Jeff
Lord-Chancellor of *England*; and to our R
Trusty and Right Well-beloved Councellor, L
rence, Earl of *Rochester*, Lord High-Treasurer of
land; and to our Right Trusty and Right Wel
loved Cousin and Counsellor, *Robert*, Earl of Sun
land, President of our Council, and our Principal
cretary of State; and to the Right Reverend Fa
in God, and our Right Trusty and Well-belo
Counsellor, *Nathaniel*, Lord Bishop of *Duresme*;
to the Right Reverend Father in God, our R
Trusty and Well-beloved, *Thomas*, Lord Bisho
Rochester; and to our Right Trusty and Wel
loved Counsellor, Sir *Edward Herbert*, Knight, C
Justice of the Pleas before us to be holden, assig
Greeting. We, for divers good, weighty and n
sary Causes and Considerations, us hereunto espec
moving, of our meer Motion and certain Knowle
by Force and Vertue of our Supream Authority
Prerogative Royal, do assign, name and autho
by these our Letters Patents under the Great Se
England, you the said Lord Archbishop of *Canter*
Lord-Chancellor of *England*, Lord High-Trea
of *England*, Lord President of our Council, Lor
shop of *Duresme*, Lord Bishop of *Rochester*, and
Chief-Justice aforesaid, or any Three or more of
whereof you the said Lord-Chancellor to be
from time to time, and at all Times during our
sure, to exercise, use, occupy and execute unde
all manner of Jurisdiction, Privileges and
eminences, in any wise touching any Spiritual o
clesiastical Jurisdictions within this our Realm of
land and Dominion of *Wales*, and to visit, refor
dress, correct and amend all such Abuses, Offe
Contempts and Enormities whatsoever, which b
Spiritual or Ecclesiastical Laws of this Realm ca
may lawfully be reform'd, ordered, redressed, or
ed, restrained or amended, to the Pleasure of Al
ty God, and Encrease of Vertue, and the Con
tion of the Peace and Unity of this Realm. And

ereby give and grant unto you, or any Three or more of you, as aforeſaid, whereof you the ſaid Lord Chancellor to be one, thus by us named, aſſigned, authorized and appointed, by Force of our ſupream Authority and Prerogative Royal, full Power and Authority from time to time, and at all Times during our Pleaſure, under us to exerciſe, uſe and execute all the Premiſes, according to the Tenor and Effect of theſe our Letters Patents, any Matter or Cauſe to the contrary in any wiſe notwithſtanding. And we do by theſe Preſents give full Power and Authority unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord-Chancellor to be one, by all lawful Ways and Means from time to time hereafter, during our Pleaſure, to enquire of all Offences, Contempts, Tranſgreſſions and Miſdemeanors, done and committed contrary to the Eccleſiaſtical Laws of this our Realm, in any County, City, Borough, or other Place or Places, exempt or not exempt, within this our Realm of *England* and Dominion of *Wales*, and of all and every of the Offender or Offenders therein, and them and every of them, to order, correct, reform and puniſh, by Cenſure of the Church. And alſo we do give and grant full Power and Authority unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord-Chancellor to be one, in like manner as is aforeſaid, from time to time, and at all Times during our Pleaſure, to enquire of, ſearch out, and call before you and every Eccleſiaſtical Perſon or Perſons, of what Degree or Dignity ſoever, as ſhall offend in any of theſe Particulars before-mentioned; and them and every of them to correct and puniſh for ſuch their Miſbehaviours and Miſdemeanors, by ſuſpending or depriving them of all Promotions Eccleſiaſtical, and from all Functions in the Church, and to inflict ſuch other Puniſhments or Cenſures upon them, according to the Eccleſiaſtical Laws of this Realm. And further, we do give full Power and Authority unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord-Chancellor to be one, by Virtue hereof, and in like Manner and Form as is aforeſaid, to enquire, hear, determine and puniſh all Inceſt, Adulteries, Fornications, Outrages, Misbeha- 1686.

1686. ‘viours and Diſorders in Marriage, and all other
‘vances, and great Crimes and Offences which
‘puniſhable, or reformable by the Eccleſiaſtical
‘of this our Realm, committed or done, or here
‘to be committed or done in any Place, exempt o
‘exempt, within this our Realm, according to
‘Tenor of the Eccleſiaſtical Laws in that Be
‘granting you, or any Three or more of you,
‘aforeſaid, whereof you the ſaid Lord-Chancello
‘be one, full Power and Authority to order and a
‘ſuch Puniſhment to every ſuch Offender, by
‘ſures of the Church, or other lawful Ways, as
‘boveſaid. And further, we do give full Power
‘Authority to you, or any Three or more of you
‘is aforeſaid, whereof you the ſaid Lord-Chancello
‘be one, to call before you, or any Three or mor
‘you, as aforeſaid, whereof you the ſaid Lord-C
‘cellor to be one, all and every Offender and O
‘ders, in any of the Premiſes; and alſo all ſuch a
‘you, or any Three or more of you, as is aforeſ
‘whereof you the ſaid Lord-Chancellor to be
‘ſhall ſeem to be ſuſpected Perſons in any of the
‘miſes, which you ſhall object againſt them, an
‘proceed againſt them, and every of them, as the
‘ture and the Quality of the Offence, or Suſpicio
‘that Behalf, ſhall require; and alſo to call all
‘Witneſſes, or any other Perſon or Perſons that
‘inform you concerning any of the Premiſes, as
‘or any other Three or more of you, as is aforeſ
‘whereof you the ſaid Lord-Chancellor to be one,
‘them and every of them, to examine upon their
‘poral Oaths, for the better Tryal and Opening
‘the Truth of the Premiſes, or any part ther
‘And if you, or any Three or more of you, as is af
‘ſaid, whereof you the ſaid Lord-Chancellor to
‘one, ſhall find any Perſon or Perſons whatſoever
‘ſtinate or diſobedient to their Appearance before
‘or any Three or more of you, as is aforeſaid, whe
‘you the ſaid Lord-Chancellor to be one, at your C
‘mandments, or elſe in not obeying or not accom
‘ſhing your Orders, Decrees and Commandments
‘any thing touching the Premiſes, or any part ther
‘or any other Branch or Clauſe contain'd in this C
‘miſſion, that then you, or any Three or more of

aforesaid, whereof you the said Lord-Chancellor be one, shall have full Power and Authority to niſh the same Person or Persons offending, by Ex-mmunication, Suspension, Deprivation, or other nsures Ecclesiastical: And when any Persons shall convented or prosecuted before you, as aforesaid, any of the Causes above-expressed, at the Instance Suit of any Person prosecuting the Offence in that half, that then you, or any Three or more of you, aforesaid, whereof you the said Lord-Chancellor be one, shall have full Power and Authority to a-rd such Costs and Expences of the Suit, as well to d against the Party, as shall prefer, or prosecute the d Offence, as to and against the Party or Parties t shall be convented, according as their Causes ll require, and to you in Justice shall be thought sonable. And further, our Will and Pleasure is, hat you assume our Well-beloved *William Bridg-n*, Esq; one of the Clerks of our Council, or his icient Deputy or Deputies in that Behalf, to be ur Register, whom we do by these Presents depute that Effect, for the Registring of all your Acts, crees, and Proceedings, by Virtue of this our Com-ission; and that in like manner, you, or any Three more of you, whereof you the said Lord Chancel-to be one, by your Discretions shall appoint one more Messengers, and other Officer or Officers, cessary and convenient to attend upon you for any rvice in this Behalf. Our Will and express Com-ndment also is. That there shall be Two Paper-oks indented and made, the one to remain with e said Register, or his sufficient Deputy or Deputies, other with such Persons, and in such Places as you e said Commissioners, or any Three or more of you, ereof you the Lord-Chancellor to be One. shall in ur Discretion think most fit and mete, in both ich Books shall be fairly entred all the Acts, De-es and Proceedings made or to be made, by Virtue this Commission. And whereas our Universities *Oxford* and *Cambridge*, and divers Cathedral and legiate Churches, Colleges, Grammar-Schools, and er Ecclesiastical Incorporations have been erected, nded, and endowed by several of our Royal Pro-itors, Kings and Queens of this Realm, and some

1686.

1686. ‘ others, by the Charity and Bounty of ſome of their
‘ Subjects, as well within our Univerſities, as other
‘ Parts and Places, the Ordinance, Rules and Statutes
‘ whereof are either imbezzled, loſt, corrupted, or al-
‘ together imperfected; We do therefore give a full
‘ Power and Authority to you, or any Five or more of
‘ you, of whom we will you the afore-named Chancel-
‘ lor always be one, to cauſe and command in our
‘ Name, all and ſingular the Ordinances, Rules and
‘ Statutes of our Univerſities, and all and every Cathe-
‘ dral and Collegiate Churches, Colleges, Gramma-
‘ Schools, and other Eccleſiaſtical Incorporations, to-
‘ gether with their ſeveral Letters Patents, and other
‘ Writings, touching, or in any wiſe concerning the
‘ ſeveral Erections or Foundations, to be brought and
‘ exhibited before you, or any Five or more of you, as
‘ is aforeſaid, whereof you the ſaid Lord-Chancellor
‘ to be one; willing, commanding and authorizing
‘ you, or any Five or more of you, as aforeſaid, where-
‘ of you the ſaid Lord-Chancellor to be one, upon
‘ the Exhibiting, and upon diligent and deliberate
‘ View, Search and Examination of the ſaid Statutes,
‘ Rules and Ordinances, Letters Patents and Writings
‘ as is aforeſaid, the ſame to correct, amend and alter.
‘ And alſo, where no Statutes are extant in all or any
‘ of the aforeſaid Caſe, to deviſe and ſet down ſuch
‘ good Orders and Statutes, as you, or any Five or
‘ more of you, as is aforeſaid, whereof you the ſaid
‘ Lord-Chancellor to be one, ſhall think meet and con-
‘ venient to be by us confirmed, ratified, allow'd and
‘ ſet forth, for the better, Order and Rule of the ſaid
‘ Univerſities, Cathedrals and Collegiate Churches, Col-
‘ leges and Grammar-Schools, Erections and Founda-
‘ tions, and the Poſſeſſions and Revenues of the ſame,
‘ as may beſt tend to the Honour of Almighty God, the
‘ creaſe of Vertue, Learning and Unity in the ſaid
‘ Places, and the publick Weal and Tranquility of the
‘ our Realm. Moreover, our Will, Pleaſure and Com-
‘ mandment is, That our ſaid Commiſſioners, and every
‘ ry of you, ſhall diligently and faithfully execute
‘ our Commiſſion, and every Part and Branch thereof
‘ in Manner and Form aforeſaid, and according to the
‘ true Meaning hereof, notwithſtanding any Appeal
‘ tion, Provocation, Privilege or Exemption in

Behalf, to be made, pretended or alledged by any Perſon or Perſons, reſident or dwelling in any Place or Places, exempt or not exempt, within this our Realm, any Laws, Statutes, Proclamations or Grants, Privileges or Ordinances, which be, or may ſeem to be contrary to the Premiſes notwithſtanding. And for the better Credit and more manifeſt Notice of your doing in Execution of this our Commiſſion, our Pleaſure and Commandment is, That to your Letters Miſſive, Proceſſes, Decrees, Orders and Judgments, for or by you, or any Three or more of you, as is aforeſaid, to be awarded, ſent forth, had, made, decreed, given or pronounced, at ſuch certain publick Places, as ſhall be appointed by you, or any Three or more of you, as is aforeſaid, for the due Execution of this our Commiſſion, or ſome Three or more of you, as is aforeſaid, whereof the ſaid Chancellor to be one, ſhall cauſe to be put and fixed a Seal engraven with the Roſe and Crown, and the Letter *J.* and Figure 2. before, and the Letter *R.* after the ſame, with a Ring or Circumference about the ſame Seal, containing as followeth, *Sigillum Commiſſariorum Regiæ Majeſtatis ad Cauſas Eccleſiaſticas.* Finally, We will and command all and ſingular other our Miniſters and Subjects, in all and every Place and Places, exempt or not exempt, within our Realm of *England* and Dominion of *Wales*, upon any Knowledge or Requeſt from you, or any Three or more of you, as is aforeſaid, to them or any of them given or made, to be aiding, helping and aſſiſting unto you, and to your Commandment, in, and for the due Executing your Precepts, Letters, and other Proceſſes requiſite in, and for the due Executing of this our Commiſſion, as they and every of them, tender our Pleaſure and Will, to anſwer the contrary at their utmoſt Perils. In Witneſs, *&c.* 1686.

Here it is to be obſerved, that the Archbiſhop of *Canterbury*, who was firſt named in it, refuſed to act, and in his Room the Biſhop of *Cheſter* was put in, as alſo was the Lord Chief-Juſtice *Wright*, and Baron *Jenner* in the Room of Two others. The Commiſſion being open'd ſome time after, *viz.* the Beginning of *Sept.* this Year, Complaint was made to the King, That Dr. *Sharp*, Rector of St. *Giles*, had, contrary to his

1686. Royal Command and Directions to the Archbishops of *Canterbury* and *York*, &c. presumed to make unbecoming Reflections on him and his Government, on purpose to bring the People into an ill Opinion of both; and therefore he required and commanded the Bishop to suspend him forthwith from Preaching in any Part of his Diocess, till Satisfaction given, and the King's Pleasure further known. In Answer to the King's Letter my Lord Bishop modestly excused himself in a Letter directed to the Earl of *Sunderland*, which was sent by Dr. *Sharp* to the Earl, then at *Windsor*, where the King lay. The Substance of the Bishop's Letter was (after he had expressed his Readiness to yield Obedience to the King in all Things he could do with a safe Conscience) that it was impossible for him to comply with his Majesty's Commands, when the Proceeding was contrary to Law; since being to be a Judge in the Case no Judge could condemn any Man before he had Knowledge of the Cause, and had heard (according to the Rule of Justice) what the Prisoner could say in his own Defence. However, that he had sent to the Doctor and inform'd him of the King's Displeasure, and found him ready to give all Satisfaction to his Majesty. To which Purpose he had made him the Bearer of his Letter; no doubt, in Hopes of being introduced into the King's Presence, that the Doctor might have an Opportunity to clear himself. But neither could the Doctor obtain Admittance, nor the Bishop a Return of his Answer to the King's Commands.

The Doctor therefore seeing it was to no purpose to wait for Admittance, returned to *London*, and immediately consulted what might be the best Expedient to mitigate the King's Displeasure, and avoid the dangerous Effect thereof: Within a Day or two the Doctor drew up a Petition to the King, with which he hastened to Court again; setting forth his great Misfortune to lie under his Majesty's Censure, by reason of which, he had ever since Notice given him, abstain'd from all public Exercise of his Function, and therein he declared how, like a loyal Subject, he had endeavoured in his Station to serve his Majesty himself, and the late King his Brother, and that he had been so far from venting any thing from his Pulpit, that might tend to the Disturbance of his Majesty's Government, that he had alwa[ys] ma[de]

de it his Business to oppose all sorts of Doctrines and 1686.
inciples that tended that way. But if any Expression
d unwarily slipt from him, that might have been ca-
ble of giving his Majesty Offence, he expressed and
ified his Sorrow for so doing, and his Resolutions
the future to be more careful of his Duty, profess-
thal, that he had no ill Intent in what he had said.
And therefore pray'd, that his Majesty would pass
what was past, and restore him to his Favour again.
he Doctor try'd for all Means, and waited for all Op-
tunities to deliver his Petition to the King himself,
could not effect it.

Now comes the Commission Ecclesiastical, that was Bishop of
be put in Execution; for all this while the High *London*
mmissioners finding that the Doctor was not suspend- Try'd.
by the Bishop, as commanded by the King's Letter,
Bishop had a Citation to make his Appearance be-
e them, to answer to such Matters as should be laid
his Charge. His Lordship accordingly on the 4th
ugust appear'd in the Council-Chamber at *White-*
, where were present the Lord-Chancellor, the Bi-
ps of *Durham* and *Rochester*, the Lord-Treasurer,
d-President, and Lord-Chief-Justice *Herbert*; upon
Bishop's appearing before them, the Lord-Chan-
or directing his Speech to him, spake, That the
ds there present had received Order to inspect all
lesiastical Affairs and Persons, and had commanded
to call his Lordship before them, and therefore de-
d his Lordship to give a positive and a direct An-
r to his Question, What the Reason was he did not
end Dr. *Sharp*, when the King had sent him expres
ers so to do, and had told him, that it was for
aching seditiously, and against the Government?
which his Lordship replied, *That true it was, he had*
ved such an Order, and that if he had done contrary
Duty, it was his Ignorance, and not a wilful Neglect;
he had been always ready to serve his Majesty; but if
his Affair he had not complied, it was because he was
he could not legally do it. The Lord-Chancellor an-
ed, That his Lordship ought to know the Law,
hat it was a Wonder he did not; however, that
King was to be obey'd, and therefore if his Lord-
had any thing to say, the Court was ready to hear
Then the Bishop desired a Copy of the Com-
on, and of his Charge, and an Allowance of Time

to

1686. to provide for his Defence; for he was ignorant
of his Charge, and of consequence unprovided for
Defence. To this the Chancellor replied, That if
desiring a Copy of the Commission his Lordship
sign'd to quarrel with the Jurisdiction of the Court,
knew what further to say; otherwise, that as no Co
could be granted, so it was unreasonable for his Lo
ship to desire it, since it might be had in every Co
House for a Penny; and made no question but his Lo
ship had seen it. Here the Bishop protested that he
not seen it, or desired it with any Intent to dispute
Legality of the Court, but because it was altoge
new to him; and therefore he hoped that someth
might be found therein that might be advantageou
instructive to him, in order for his Answer. Then
desired that he might have the Privilege to read
Commission himself, or at least to hear it read. T
Chancellor said, That it did not lie in his Power
grant that Request of himself: Hereupon the Bis
and all the Company had Orders to withdraw
Quarter of an Hour, and then returning, the Chance
acquainted his Lordship, That the Commissioners w
of Opinion, that his Request was unreasonable, f
if every one that appear'd before them, should challe
a Sight of their Commission, it would be too gre
Waste of their Time, and they were Men of Busin
and so he put the Question again to the Bishop, in
why he did not obey the King. Here his Lordship
sisted, *Tho' it was but a short Question, yet it required*
Words to answer; desiring the Court withal to conf
that he was a Peer, a Bishop, and one that had a Pub
Trust, and therefore was willing to behave himse
became a Person in those Capacities. After which
Lordship insisting upon more time, desired till the
Day of the next Term; but that was judged unrea
able, in regard the King's Business would not adm
such Delays; but at last they granted his Lordship
a Week. Then the Court adjourn'd till the 9th of
gust, being the Day prefixed for the Bishop to ap
again. During which Interval the Bishop was to m
the best of his Time, tho' it was to no Purpose to
against the Stream.

The 9th of *August* being soon come, his Lor
made his Appearance, and told the Chancellor,
he could not meet with the Commission, which

en told him was upon Record, and in every Coffee- 1686.
ouſe, tho' he had employ'd a whole Week to ſearch
r it (I cannot imagine how he ſhould have it; for it
s never made publick in Print, as I know of, till
ing *William*'s Reign.) But as to what the Chancellor
d his Lordſhip, *That the Court would admit no quar-
ling with their Commiſſion, not being ſuch Fools to ſit
re, if they were not well aſſured of the Legality of it.* But
e Biſhop anſwer'd, That he had other Reaſons to de-
e a Sight of the Commiſſion; for that, perhaps, it
ight not reach him as a Peer and a Biſhop, or, perhaps,
t reach the particular Caſe, and therefore inſiſted
on longer Time; yet not refuſing to give in ſuch an
nſwer as he had prepared, if there were no other Re-
edy, his Lordſhip further urged, That his Council,
whom he moſt confided, were out of Town. Upon
is his Lordſhip being deſired to withdraw, and called
again, after a Quarter of an Hour's debate, the
hancellor (that was the Mouth of the Court) inſiſted
on the old Topick ſtill, *of not admitting any Quar-
s with the Juriſdiction of the Court*; however, he was
illing, as he pretended, to pay all due Reſpect to his
ordſhip, and demanded of his Lordſhip what longer
ime he deſired. The Biſhop (conſidering that the
ing's Buſineſs could not admit of long Delays, as they
d told him at his firſt Appearance) deſired no longer
an a Fortnight, which was readily granted him by
e Court.

At the Expiration of the Fortnight granted him, the
ſhop made his Appearance again, and after he had
ade a previous Apology, that no Miſinterpretations
ight be put upon his Words, he gave the Court to
derſtand, that his Council had inform'd him, *That
ir Proceedings were directly contrary to the Statute Law*,
hich they were ready to make out, if the Court would
ar them. To which, cry'd the Chancellor, *We will not
ar your Lordſhip, nor your Council neither in this Matter.*
hich Words were not uttered without ſome Indica-
n of Paſſion. Then the Biſhop pleaſingly reminded
e Court, *That he was a Biſhop of the Church of* Eng-
nd, *and by the particular Law of the Land was to be
'd by his Metropolitan and Suffragans*; and therefore
ped his Lordſhip would not deny him the *Right and
ivilege of Chriſtian Biſhops*; which was put off by the
hancellor, with no other Reaſon, than a Pretence
that

1686. that the Court had original Jurisdiction. Then t
Bishop proceeded in his Plea, *That what he was accu*
of, was before the Date of the Commission, and they w
only to censure Faults committed afterwards. In Answ
to which, the Chancellor granted the Clause, but c
sitorily told his Lordship, there was general Clau
that took in Things past, as well as those that were
come. Then the Bishop insisted again upon his o
Right, as a Subject to the Laws of the Realm, and
the Bishop to the Rights and Privileges of the Chur
gave in his Answer in Writing, and as he withdre
left upon the Table Dr. *Sharp*'s Petition, which t
King had refused to accept.

After some time spent in Debate, the Bishop retur
ed, and the Chancellor told him, They were not co
cerned in Dr. *Sharp*'s Petition, but that if he desired
his own Answer should be read, the Bishop answered
the Affirmative, and further added, That he had co
sulted the Council, and the Law said, *That what was d*
by Advice of Council, should not be interpreted to be d
maliciously or obstinately: That if a Prince required
Judge to execute a Command not agreeable to Law, it
his Duty rescribere & reclamare Principi, *which he h*
done in writing back to the Lord President. And in t
next place, *That he had done in Effect what the King co*
manded; for that he advised Dr. Sharp *to forbear Prea*
ing in his Diocess, which he had done accordingly. Now t
Bishop's Answer was read, and then his Lordship bei
asked what he had more to say, he desired, *that his Co*
cil might be heard. The Consideration of which to
up half an Hour's Debate; after which his Lordship
ing call'd in, his Council were admitted, *viz.* Dr. *Old*
Dr. *Price*, Dr. *Hedges*, and Dr. *Newton*.

Doctor's Council pleaded.

Dr. *Oldis* being the first that spoke in the Bisho
Behalf, argued, That there was no such Thing
their Laws as Suspension; so that the Meaning shou
have been *Silencing the Doctor*; for in case of Susp
sion, Citation was requir'd, Form of Proceeding, Ju
ment and Decree, and to act otherwise was contr
to the Law of God, of Nature, and of all Natio
in all Ages. And if it was meant, that the Bish
was to silence the Doctor, it was perform'd by
Lordship, by sending for Dr. *Sharp*, and shewing
King's Letter to him, and advising him not
preach, which was not done by the Doctor after th

that the King's Command was executed, and in Ef- 1686.
ct fulfilled.

Dr. *Hedges* inſiſted, That the Biſhop could not ſu-
end the Doctor; the Act of that Suſpenſion was a Ju-
cial Act, and therefore if the Biſhop, as a Judge, had
ſpended the Doctor, before Hearing, he had begun
the wrong End, ſeeing it had been a Judgment be-
e preſs'd.

Dr. *Price* pleaded much to the ſame Purpoſe. But
. *Newton* went farther, and ſtifly affirm'd, That the
ſhop was ſo far from being diſobedient, that he was
ſt obedient to the King; or ſeeing that he did *referi-*
e, and heard not of the farther Pleaſure of the King
urned, he ought to conclude, that the King was ſa-
ied with what he had written, according to his Du-
and that the King had alter'd his Commands.

After the Biſhop's Council had ended, his Lordſhip
ered to the Court, That if through Miſtake he had
ed in any Circumſtances, he was ready to beg his
jeſty's Pardon, and ſhould be as ready to make any
paration, of which he was capable. Having ſpoke
s, his Lordſhip withdrew for half an Hour, and then
ng call'd in again, was told by the Chancellor, That
Court expected his Appearance again upon *Monday*
ing. At what Time the Court being ſat, his Lord-
was deſired to ſit down, and hear his Sentence,
ch was ſet down in Writing, according to the Or-
of the Commiſſioners, by the Regiſter, being in Sub-
ce, *That* Henry, *Lord Biſhop of* London, *being conven'd* Biſhop's
e the Commiſſioners of Eccleſiaſtical Affairs, for his Sentence.
bedience, and other Contempts, and being fully heard,
mature Deliberation of the Matter, was by them de-
d and pronounced ſuſpended from the Function and Exe-
n of his Epiſcopal Office. In Purſuance of the full
cution of which Sentence, an Order was ſent by
Meſſengers attending the Court, to the Dean of
aul's, enjoining him to cauſe the ſaid Sentence to be
'd upon the Door of the Chapter-Houſe, and the
h Door of the ſame Cathedral, that publick Notice
t be taken of the ſaid Suſpenſion.

hus was the good Biſhop exempted from the Exe-
n of his Function, and no other Reaſon could my
Jeffreys, the Chancellor, give for ſuch Proceedings,
ic *volo ſic jubeo, ſit Regis Voluntas*; but before we
this Climate, we are to tell you, that the Parlia-
ment

1686. ment that was to meet on the 22d of *November*, w
upon the 8th of *October* further prorogued, by Proc
mation, to the 15th of *February* enſuing, though w
that Time came, it was further prorogued again to
28th of *April* following.

Here we are not to neglect the Treaty of Peace
good Correſpondence in *America*, agreed upon at *Wh*
had the 6th of *Nov.* N. S. between his Majeſty and
French King, which Neutrality, being not comm
we will inſert it here.

I.

Treaty between *England* and *France.*

It is concluded and agreed, That from this Day f
ward there be a firm Peace, Union, Amity and g
Correſpondence, as well by Land as by Sea, betw
the *Britiſh* and the *French* Nations in *America*, as w
Northern as Southern; and within the Iſlands, C
lonies, Forts, Cities and Governments (without E
ception of Places) belonging to the moſt Serene K
of *Great Britain*, or to the moſt Serene Chriſtian Ki
and which are under the Juriſdiction of either K
reſpectively.

II.

That no Ships or Veſſels, great or ſmall, belon
to the moſt Serene King of *Great Britain*'s Subject
the ſaid *Engliſh* Iſlands, Colonies, Forts, Cities and
vernments, ſhall be fitted out or employ'd to invad
attack the moſt Serene moſt Chriſtian King's Subj
in their Iſlands, Colonies, Forts, Cities and Gov
ments, or to do them any Injury or Damage. In
manner, that no Ships or Veſſels, great or ſmall, bel
ing to the moſt Serene moſt Chriſtian King's Sub
in the ſaid *French* Iſlands, Colonies, Forts, Cities
Governments, ſhall be fitted out or employ'd to in
or attack the moſt Serene King of *Great Britain*'s S
jects in their Iſlands, Colonies, Forts, Cities and
vernments, or to do them any Injury or Damage.

III.

That no Soldiers, arm'd Men, or any others w
ſoever, inhabiting and living in the ſaid *Engliſh* Iſl
Colonies, Forts, Cities and Governments, or who
out of *Europe* to be in Garriſon there, ſhall commit
Act of Hoſtility, or do any Injury or Damage, dir
or indirectly, againſt the moſt Serene moſt Chri
King's Subjects in the ſaid *French* Iſlands, Colo
Forts, Cities and Governments, neither ſhall they

y Assistance or Supplies of Men or Victuals to the 1686.
rbarous or wild *Indians*, with whom the most Chri-
an King shall have a War.

In like manner, no Soldiers, arm'd Men, or any o-
ers whatsoever, inhabiting and living in the said
ench Islands, Colonies, Forts, Cities and Govern-
ents, or who come out of *Europe* to be in Garrison
ere, shall commit any Act of Hostility, or do any
jury or Damage, directly or indirectly, against the
ost Serene King of *Great Britain*'s Subjects in the
id *English* Islands, Colonies, Forts, Cities and Go-
rnments; neither shall they give any Assistance or
pplies of Men or Victuals to the barbarous or wild
dians, with whom the King of *Great Britain* shall
ve a War.

IV.

It is agreed, That both Kings shall have and retain
themselves all the Dominion, Rights and Preemi-
nces in the *American* Seas, Roads, and other Waters
atsoever, in as full and ample Manner as of Right
longs unto them, and in such Manner as they now
ssess the same.

V.

And therefore the Subjects, Inhabitants, Merchants,
mmanders of Ships, Masters and Mariners of the
ngdoms, Provinces and Dominions of each King
pectively, shall abstain and forbear to trade and
in all the Places possessed, or which shall be pos-
ed by the one or the other Party in *America*,
The King of *Great Britain*'s Subjects shall not
ve their Commerce and Trade, nor fish in the
vens, Bays, Creeks, Roads, Shores, or Places which
most Christian King holdeth, or shall hereafter
d in *America*; and in like manner the most Chri-
n King's Subjects shall not drive their Commerce
Trade, nor fish in the Havens, Bays, Creeks,
ads, Shores, or Places which the King of *Great*
tain possesseth, or shall hereafter possess in *America*.
d if any Ship or Vessel shall be found trading
fishing contrary to the Tenor of this Treaty, the
Ship or Vessel, with his Lading, (due Proof there-
being made) shall be confiscated: Nevertheless,
Party who shall find himself aggrieved by such
tence of Confiscation, shall have Liberty to apply
him-

1686. himself to the Council of State of that King, by wh
Governours or Judges the Sentence has been given
gainst him, and there complain of the Matter, wh
nevertheless shall not stop the Execution of
Sentence: But it is always to be understood, that
Liberty of Navigation ought in no manner to be
sturbed, where nothing is committed against the
nuine Sense of this Treaty.

VI.

It is also agreed, That in case the Subjects and In
bitants of either of the Kings, with their Shipp
(whether publick and of War, or private and of Me
chants) be forced through Stress of Weather, Pur
of Pirates and Enemies, or any other urgent Nec
sity, for the seeking Shelter and Harbour, to retr
and enter into any of the Rivers, Creeks, Bays, H
vens, Roads, Ports and Shores, belonging to the ot
in *America*, they shall be received and intreated th
with all the Humanity and Kindness, and enjoy
friendly Protection and Help: And it shall be law
for them to refresh and provide themselves at reasona
and the usual Rates, with Victuals, and all Thi
needful, either for the Sustenance of their Pers
or Reparation of their Ships, and Conveniency
Voyage; and they shall in no manner be detained
hindred from returning out of the said Ports or Ro
but shall remove and depart when and whither t
please, without any Let or Impediment: Provi
always, that they do not break Bulk, nor carry
of their Ships any Goods, exposing them to Sale
receive any Merchandize on Board, nor employ th
selves in Fishing, under the Penalty of Confisc
of Ships and Goods, as in the foregoing Article is
prested. And it is further agreed, That whenso
the Subjects of either King shall be forced to e
with their Ships into the others Ports, as is abo
mentioned, they shall be obliged at their comin
to hang out their Flag, or Colour of their Na
and give Notice of their coming by Thrice firi
Cannon, and if they have no Cannon, by Thr
firing a Musket, which if they shall omit to do,
howeversend their Boat on Shore, they shall be l
to Confiscation.

f any Ships belonging to either of the Kings, their ple and Subjects, ſhall within the Coaſts, or Domini- of the other ſtick upon the Sands, or be wreckt ich God forbid), or ſuffer any damage; all friendly iſtance and Relief ſhall be given to the Perſons Ship- ck'd, or who ſhall be in danger thereof, and Letters afe-Conduct ſhall likewiſe be given to them for their and quiet Paſſage thence, and the Return of every to his own Country.

VIII.

When it ſhall happen, that the Ships of either Party is above-mentioned) through danger of the Sea, or er urgent Cauſe, be driven into the Ports of the other, hey be three or four together, and may give juſt und of Suſpicion, they ſhall immediately upon their ival acquaint the Governour or chief Magiſtrate of Place, with the Cauſe of their coming, and ſhall no longer than the ſaid Governour or chief Magi- te will permit, and ſhall be requiſite for their furniſh- themſelves with Victuals, and the Reparation of their ps.

IX.

t is alſo agreed, That the King of *Great Britain*'s Sub- , inhabiting the Iſland of St. *Chriſtopher*'s, may fetch from the Salt-Ponds there, and carry the ſame away, well by Sea as by Land, without any Hindrance or leſtation: And alſo that the Moſt Chriſtian King's jects of the ſaid Iſland, may enter into the Rivers of great Road, there to fetch or provide themſelves h Water; upon Condition nevertheleſs that the King *Great Britain*'s Subjects ſhall only in the day time lade upon their Ships or Veſſels; and in like manner the Moſt Chriſtian King's Subjects ſhall fetch Wa- in the day time only. And alſo, that the Ships or ſſels of either Nation, which ſhall come for Salt or ter, ſhall be obliged to give Notice of their coming, hanging out their Flag or Colours of their Nation, by thrice firing a Cannon; and if they have no Can- , by thrice firing a Muſquet. And in caſe either p of either Nation ſhall Trade or Traffick, under pre- e of fetching Salt or Water, the ſaid Ship ſhall be nfiſcated.

1686.

X.

The Subjects of either Nation shall not harbour Barbarous or wild Inhabitants, or the Slaves or Goo which the said Inhabitants have taken from the Subje of the other Nation; neither shall they give them Assistance or Protection in their said Depredations.

XI.

The Governours, Officers, and Subjects of either Ki shall not in any wise molest or disturb the Subjects the other, in settling their respective Colonies, or their Commerce and Navigation.

XII.

And the more to assure the Subjects of the King *Great Britain*, and of the Most Christian King, that Injury shall be offered to them by the Ships of War, private Men of War of either Side; all the Captains the Ships, as well of his Majesty of *Great Britain* a the Most Christian King, and all their Subjects, w shall set out private Men of War; and likewise th Privileged Companies shall be enjoined not to do Injury or Damage whatsoever to the other; which they do, they shall be punished, and moreover be li to satisfy all Costs and Damages, by Restitution a Reparation, upon Pain and Obligation of Perso Goods.

XIII.

For this Cause all the Commanders of Private Me War, shall henceforth be obliged, before they re their Commissions, to enter before a competent Ju into good and sufficient Security, by able and respo ble Men, who have no part or interest in such Ships the Sum of One Thousand Pounds Sterling, or T teen Thousand *Livres*; and when they have above Hundred and Fifty Men, then in the Sum of T Thousand Pounds Sterling, or Six and Twenty Th sand *Livres*, that they will give full satisfaction for Damages or Injuries whatsoever, which they or t Officers, or others in their Services, shall commit in th Courses at Sea, contrary to this present Treaty, or other whatsoever, between his Majesty of *Great Bri* and the said Most Christian King, and upon pain Revocating and Annulling their said Commission which it shall be always inserted, that they have g such Security as above-said: And likewise it is agr

at the Ship it ſelf ſhall be alſo liable to make ſatisfa- 1686.
ion for Injuries and Damages done by her.

XIV.

And whereas ſeveral Pyrates roving up and down in e *American* Seas, as well Northern as Southern, do uch damnify Trade, and moleſt the Subjects of both rowns in their Navigation and Commerce in thoſe arts; it is agreed, that ſtrict Orders ſhall be given to e Governours and Officers of both Kings, that they ve no Aſſiſtance or Protection to any Pyrates, of what ation ſoever, nor ſuffer them to have any Retreat in the orts of Roads of their reſpective Governments; and e ſaid Governours and Officers ſha'l alſo be expreſly ommanded to puniſh, as Pyrates, all ſuch who ſhall rm out any Ship or Ships for Privateering, without wful Commiſſion and Authority.

XV.

No Subjects of either King, ſhall ask or take any Comiſſion, or Letters of Mart for Arming any Ship or Ships go Privateering in *America*, whether Northern or Souern, from any Prince or State, with whom the other in War; and if any Perſon ſhall take ſuch Commiſn or Letters of Mart, he ſhall be puniſhed as a Pye.

XVI.

The Moſt Chriſtian King's Subjects ſhall have full liry to fiſh for Turtles in the Iſlands of *Cayman*.

XVII.

That in caſe it ſhould happen, any Differences or Diſes ſhould ariſe between the Subjects of the ſaid Moſt erene Kings in the ſaid Iſlands, Colonies, Forts, Cis and Governments, under the Dominion of either pectively, whether at Sea or Land, this Peace and od Correſpondence ſhall not thereby be interrupted or inged; but the ſaid Differences which may happen tween the Subjects of both Kings, ſhall be adjudged determined by the Governours of each Juriſdiction pectively, where they ſhall have ariſen, or by them om they ſhall depute; and if the ſaid Differences can- within the ſpace of one Year be determined by the Governours, they ſhall tranſmit the ſame, with the Opportunity, to the Moſt Serene Kings, to deterne the ſame according to Juſtice, in ſuch manner as y ſhall think fit.

1686.

XVIII.

It is further concluded and agreed, That if any Brea
ſhould happen (which God forbid) between the ſa
Crowns in *Europe*, no Act of Hoſtility, neither at La
nor at Sea, ſhall however be done by any of the Mo
Serene King of *Great Britain*'s Gariſons, Soldiers or Su
jects whomſoever, of the Iſlands, Colonies, Forts, C
ties and Governments, which now are, or ſhall here
ter be under the *Engliſh* Dominion in *America*, agai
the Moſt Serene Chriſtian King's Subjects, inhabiti
or reſiding in any of the *American* Colonies: Likew
reciprocally, that in the aboveſaid Caſe of a Breach
Europe, no Act of Hoſtility, neither at Sea nor at La
ſhall however be done by any of the Moſt Serene Mo
Chriſtian King's Gariſons, Soldiers, or Subjects whom
ſoever, of the Iſlands, Colonies, Forts, Cities, and G
vernments, which now are, or hereafter ſhall be und
the *French* Dominion in *America*, againſt the Moſt S
rene King of *Great Britain*'s Subjects inhabiting in a
of the *American* Colonies, or reſiding there. But a t
and firm Peace and Neutrality ſhall continue in *A*
rica between the ſaid *Britiſh* and *French* Nations, in t
ſame manner as if ſuch Breach in *Europe* had not ha
pened.

XIX.

It is provided and agreed, That this preſent Tre
ſhall not in any wiſe derogate from the Treaty concl
ed between the ſaid Moſt Serene Kings at *Breda*, the 3
Day of *July*, N. S. in the Year of our Lord, 1667.
that all and ſingular the Articles and Clauſes of t
Treaty, ſhall remain in force and be obſerved.

XX.

That all Treaties or Articles at any time heretof
made and concluded between the ſaid Nations, upon
Iſland of St. *Chriſtopher*'s, or elſewhere in *America*, ſ
be in force as formerly, and ſhall be obſerved on b
Sides as heretofore, unleſs where they ſhall be found
be contrary to this preſent Treaty.

XXI.

Laſtly, It is agreed and concluded, That this pre
Treaty, and all and ſingular the Matters therein cont
ed, ſhall, as ſoon as may be, be Ratified and Confi
ed, and that the Ratifications thereof, ſhall within
ſpace of two Months, from the Date of theſe Preſe
be reciprocally exchanged between both Parties;

wi

ithin the ſpace of eight Months, or ſooner, if it may 1686.
be publiſhed in all the Kingdoms, Dominions, and
olonies, as well in *America* as elſewhere, of both the
ings.

In Witneſs whereof, we the Plenipotentiaries, have
gned and Sealed this preſent Treaty. Given in his Ma-
y's Palace of *Whitehall* the 16th Day of *November*,
86. *N. S.*

Jeffreys C. (*L. S.*) *Barillon d' Amoncourt.*
Rocheſter (*L. S.*) (*L. S.*)
Sunderland P. (*L. S.*)
Middleton (*L. S.*)
Godolphin (*L. S.*)

Now we come to another Year, and of courſe our Hi- 1687.
ry carries us into another Kingdom, *viz. Ireland*;
ere (the Earl of *Tyrconnel* being Sworn on the 15th
February one of the Privy-Council) arrived ſoon af-
in that Kingdom and came to *Dublin*; at the News
whoſe Arrival, the Earl of *Clarendon*, then Lord Lieu-
ant, ſent for the Council to meet him at the Archbi-
p of *Dublin*'s Houſe, and there reſigned the Sword of
e to the Earl of *Tyrconnel*, and made the following
eech.

My Lords.

'has been ſometimes uſual to make Speeches upon theſe E. of *Cla-*
Occaſions, but I know my Inſufficiency for that Task; and *rendon*'s
efore ſhall trouble your Lordſhips with very few Words. Speech at
he firſt place, my Lords, I give your Lordſhips many his leave-
nks for the Civilities I have received from every one of ing *Ire-*
and for the great Aſſiſtance I have had from you in the *land.*
harge of my Duty here: I know your Lordſhips can wit-
for me, that I never deſired your Concurrence in any
that was not for the King's Service. I do beg your Lord-
to accept of my Thanks, with this Aſſurance, that I
give the King an Account (when I have the honour to
his Hand) of your Lordſhips great Readineſs and Dili-
to advance his Service.

y Lord Deputy, I ſhall not long detain your Lordſhip;
King has placed your Excellency in a very great Station,
ommitted to your Care the Government of a great and
ſhing Kingdom, of a Dutiful, Loyal and Obedient Peo-
It is to be extremely lamented, that there are ſuch Feuds
Animoſities among them: which I hope your Excellency's

1687. *Prudence, with the Assistance of so wise a Council will dispose*
I must needs say, both from my own Observation, and the
formation I have from my Lords the Judges, who often
the whole Kingdom, That there is a great Readiness
Willingness in all People to serve and obey the King. I
here a little enlarge to your Excellency, because I reckon
self bound to give the King an Account of his Subjects,
I would not willingly say any thing when I am at such a
stance, which I have not mentioned here. The English
this Country have been aspersed with the Character of
Fanaticks; which is a great Infamy to them: I must do
the justice to say, that they are of the Church of Englan
as appears by their Actions, as well as Professions.
Churches here are as much frequented, and the Discipline
the Church as well observed as in England *it self; which*
to be attributed to the Piety and Labour of my Lords the
shops. We of the Church of England *can brag, that*
Rebellion overspread the three Kingdoms, not one Orthod
Member of our Church was engaged against the Crown;
in our late Disorders, we can boast, we were Opposers of
Bills of Exclusion; and the Sense his Majesty hath been
ciously pleased to express of our Loyalty, will never be for
ten by us. I had the Happiness to be born a Member of
Church of England, *and I hope God will give me the Gr*
to die one. One thing the English *of this Country have*
glory in, that of all his Majesty's Subjects, they made
earliest Advances towards his Majesty's Restoration,
the three Kingdoms were Governed by Usurpers; and after
the Endeavours of his Loyal Subjects in England *seemed*
be disappointed, and there appeared no Hopes, by the
Defeating of Sir George Booth, *the* English *then in*
Kingdom, offered to submit to his Majesty's Authority.
do not say this, my Lord, to detract from his Majesty's
man Catholick Loyal Subjects, many of whom I my self
served and suffered with him abroad; but I speak it in
stice to the others who did their Duty. There is but one
more I shall trouble your Excellency with, I am sorry
cannot say, that I leave a full Treasure; but I can say,
I leave no Debts; the Revenue it in good order, which
be owned to be due to the unwearied Industry and Diligence
the Commissioners; the Army is entirely paid to Christ
day *last; and I have advanced a Month Subsistence*
for January: *The Civil and Pensionary Lists are*
cleared to Christmas. *I doubt not but your Excell*
Care will carry all things on in the same Method.

Almighty bless the King and grant him long Life; and I beseech God to prosper this excellent Country. I received this Sword in Peace, and, I thank God, by the King's Command, do deliver it in Peace to your Excellency, and I heartily wish you Joy of the Honour the King has done you. 1687.

Tyrconnel was not unsensible of the general Dissatisfaction of the Protestants, at his taking the Government upon him, therefore he began to smooth them up; and for the quieting the Minds of the King's Subjects, he assured them (tho' many false and malicious Rumors were spread abroad among the People, to fill them with Fears and Jealousies) of the King's Gracious Care for their Ease and Advantage, and Protection in their just Rights and Properties; as likewise for preserving the King's Forces in good Order and Discipline, and for suppressing of Tories and Robberies, he issued forth a Proclamation and Declaration, in the first of which he set forth, That whereas malicious Rumours were spread abroad, as if the King's Chief Governour intended to govern otherwise than by the known Laws of *Ireland*; which Rumours were lightned by some fiery Spirits in their Pulpits; therefore for the removing such Fears and Jealousies, he declared, that he would apply all his Care and Industry to Govern in perfect Obedience to the King's Commands, which were to Govern his Subjects by Law, and to protect them in their respective Properties and Priviledges, according to Law; and that he would further take Care, that all the King's Subjects, of what Perswasion in Religion or Degree soever, should be protected in all their just Priviledges, and in the free Exercise of their Religion, provided they persevered in their Duty and Allegiance to the King. *Tyrconnel's* Management in *Ireland*.

The Date of this Proclamation was *Febr.* 21. 1686. and (as Dr. *King* affirms) the Preservation of the Acts of Settlement and Explanation, after a Debate upon it at the Council-Board, was left out.

In his Declaration he set forth, That all Soldiers should duly pay their Quarters, and the usual and agreed Rates; requiring all Inn-keepers and Suttlers to give them Credit for no more. And if any Soldiers should commit any Spoil or Disorders, the superiour Commanders were required to cause immediate Satisfaction to be made; withal, commanding several other Things requisite for the Regulation of Military Discipline and good

1687. Manners. And laſtly, requiring the Soldiers to be a
ſiſting to the Civil Magiſtrates, in the apprehending o
Tories, Houſe-breakers, and High-way Robbers, &c
The Earl by theſe means, with innumerable other fa
Promiſes, lulled the Proteſtants there for a time into
ſort of Lethargy, till he began to carry on his Deſign
more bare-fac'd; and of which we ſhall have occaſion t
ſpeak, as it will fall of courſe in our Hiſtory.

We left *Scotland* laſt Year, with the King's calling
a Parliament there, and the Recommendation of h
Roman Catholick Subjects to them in his Letter, and t
the ſame effect his Majeſty this Year was pleaſed to ſen
a Letter to the Privy-Council there; the purport o
which was, That whereas by his Letter of the 21ſt o
Auguſt laſt paſt, he had informed them of his Deſign
in order to the eaſe of the *Roman Catholick* Subjects; t
which he had their Dutiful Anſwer ſome Days afte
wards, he now thought fit to publiſh theſe his Roy
Intentions, and to give an Additional Eaſe to thoſe o
Tender Conſciences, to convince the World of his In
clination to Moderation, and Evidence, that thoſe o
the Clergy who have been Regular, were his moſt pa
ticular Care; tho' he had given ſome eaſe to thoſe who
Principles he could with moſt ſafety truſt; That he h
at the ſame time expreſt his higheſt Indignation again
thoſe Enemies of Chriſtianity, as well as of Governme
and Human Society, the Field Conventicles, whom h
recommended to them to root out with all the Sever
ties of the Law, and the moſt vigorous Proſecution o
his Foes, it being his and the Peoples Concern to b
rid of them. As for the other Particulars of his Pr
clamation, he doubted not but they would appear
them as juſt and reaſonable as they did to him, a
that they would aſſert and defend his Royal Rights a
Prerogatives, which he was reſolved to maintain in th
Splendor and Greatneſs, which could only make the
ſafe for him, a Support to his Friends, and a Terror
his Enemies; That it was evident he did not encroa
upon the Conſciences of any, and what he would n
do, he was reſolved he would not ſuffer in others. A
therefore it was his Will and Pleaſure, that his Co
mands ſhould be obeyed; and that in order thereto,
Proclamation ſhould be forthwith Printed and Publi
ed; and that if any ſhould be ſo bold as to diſlike
Proceedings, he deſired to be informed thereof, to
end he might convince the World in earneſt.

King's Letter to the *Scotch* Privy-Council.

In this Letter the Proclamation mentioned to be in- 1687.
oſed, was much of the ſame Tenor; the Prologue of
did ſet forth, That he having taken into his Royal King's Proclamation in Scotland.
onſideration, the many and great Inconveniences in
s Ancient Kingdom, through the different *Perſuaſions*
the *Chriſtian Religion*, and the great Heat and Animo-
ies among the *Profeſſors* thereof, to the decay of Trade,
tinguiſhing of Charity, *&c.* and being reſolved, as
uch as in him lay, to unite the Hearts and Affections
his Subjects, he thought fit, by virtue of his Sove-
ign Authority, Prerogative Royal, and Abſolute
ower, which all his Subjects were to obey without re-
rve, and did grant his Royal *Toleration* to the ſeveral
rofeſſors of the Chriſtian Profeſſion hereafter named,
z. the *Moderate Presbyterians*, meeting in their Hou-
, and willing to embrace his Indulgence, and ſo as
ey did not build Meeting-Houſes, nor make uſe of
t-Houſes or Barns. In the next place *Quakers*, and
en Papiſts, in favour of whom he did ſuſpend, ſtop,
d diſable all Laws or Acts of Parliament made or ex-
uted againſt them; yet ſo as they exerciſed their Reli-
on in Houſes or Chappels, and no where elſe: He
d alſo diſcharge them of all Oaths whatſoever, by
hich they were diſabled from holding Offices or Em-
oyments in the Kingdom; inſtead of which he requir-
them to take the following Oath.

The Oath to be taken by *Scotch* Diſſenters.

I *A. B.* do acknowledge, teſtify and declare, That *JAMES* VII. *&c.* is Rightful King and Supreme Governour of theſe Realms, and over all Perſons therein; and that it is unlawful for Subjects, upon any Pretence whatſoever, to riſe in Arms againſt him, or any Commiſſionated by him; and that I will never reſiſt his Power or Authority, nor ever oppoſe his Authority, or his Perſon, as I ſhall anſwer to God, but to the utmoſt of my Power, ſhall reſiſt, defend, and maintain him, his Heirs and lawful Succeſſors, in the Exerciſe of their Abſolute Power, againſt all Deadly. *So help me God.*

By the ſame Proclamation alſo, he Indemnified the *piſts* and *Quakers*, for all Things by them done con-
y to the Laws or Acts of Parliament made in Times
ſt. And for the Encouragement of the *Proteſtant Bi-*
ps and *Regular Clergy*, he declared, that he would pro-
teſt

1687. test both them and other Miniſters of their Perſwaſion in their Functions, Rights, and Properties.

The Privy-Council returned in anſwer to the Letter that his Majeſty's Proclamation ſhould be Printed and Publiſhed according to his Orders; that they ſhould aſſert his Prerogative with the hazard of their Lives; that were willing that ſuch who were Loyal and Peaceable whatſoever were their Profeſſion, might be at eaſe and ſecurity, conceiving that ſuch as were employed by him were ſufficiently ſecured by his Authority and Commiſſion. And laſtly, they thanked him for giving them his Royal Word for maintaining the Church and their Religion, as it was by Law Eſtabliſhed; and ſo concluded as we do the Affairs of this Kingdom for this Year, and return to *England*, to ſee what was upon the Stage there.

The King having acquainted, in *March* this Year, his Council, that he deſigned to ſet forth his Declaration for *Liberty of Conſcience*, it was publiſhed the 25th of *April* following, which we ſhall not inſert at large in this place, but refer the Reader to the *Complete Hiſtory of Europe*, where this and moſt other Original Papers may be ſeen; but to give an inkling of the Contents of it, in the firſt place he declared, he would protect the Archbiſhops, Biſhops, and all other his Subjects of the Church of *England*, in the free Exerciſe of their Religion, as by Law eſtabliſhed. In the next place, that the Execution of the *Penal Laws* againſt *Nonconformiſts*, ſhould be ſuſpended, and all Perſons whatſoever ſhould be acquitted from taking the Oaths of Supremacy and Allegiance, and the ſeveral Teſts and Declarations mentioned in the Acts of 25 and 30, Years of King *Charles* II. and in the concluſion, aſſured all his loving Subjects, that he would maintain them in all their Properties and Poſſeſſions, as well of Church or Abby Lands, and of all other Properties whatſoever. Hereupon ſeveral Addreſſes were made to the King from the Diſſenting Parties, who had been near upon ſeven Years ſeverely treated by the Tory Party; now therefore they were not wanting to expreſs their Gratefulneſs, for their Deliverance from that long Captivity; and the firſt that Addreſſed his Majeſty were the *Anabaptiſts*, who were very complemental in their Expreſſions, telling the King, That the invaluable Favour and Benefit which they received from his Royal Clemency, compelled them to proſtrate themſelves at his Feet, with the tender of their humble Thanks.

Declaration for Liberty of Conſcience.

Diſſenters Addreſſes of Thanks.

hanks for the Peace and Liberty which both they and 1687.
her Diſſenters enjoy'd under his gracious Protection.
hen the *Independants*, *Presbyterians* and *Quakers*, from
veral Countries, returned their ſubmiſſive Thanks for
e ſame; and for the moſt part of this Summer the
azette was filled hardly with nothing elſe ſave Addreſ-
, wherein there was a world of Loyalty pretended,
d one would have thought that the King had been un-
oveable on his Throne, if there was any confidence to
put in Addreſſes.

On the 16th of *April*, *George* Duke of *Buckingham* Duke of
parted this Life at his Houſe in *York-ſhire*; a Perſon *Bucking-*
s a learned Pen Characteriz'd him) not much lament- *ham's*
, nor at all ill ſpoken of; yet had been much more Death.
eat and famous, had not his ſurmounting Genius been
rrupted by the Irregularities of the Courts he lived in:
ut for all that he was a true Lover of his Country, and
n Enemy to the *French* Intereſt.

The Pope's *Nuncio* upon the Lord Mayor's-day, Di-
d at *Guild-Hall*, which was a Rarity (that makes me
ention it) not ſeen before in many Years paſt, and up-
n the 11th of *November*, Father *Peters* was Sworn of the
rivy-Council, where we will leave him acting his part,
d take a view of the Affairs of *Ireland*.

The Earl of *Tyrconnel* at his entring upon the Admi-
ſtration of the Government of *Ireland*, had procured
e King's Letter, that all the *Roman Catholicks* ſhould be
dmitted into the Freedom of the Corporations of the
ingdom; in which Letter there was a great deal of
weetneſs and endearing Expreſſions; as that it proceed-
from his Majeſty's great Care of the general Good of
e Kingdom, and was graciouſly deſigned by him for the
ncouragement of Trade, and the uniting of the Affe-
ions of his Subjects. In purſuance to the Tenor of
is Letter the Lord Mayor of the City of *Dublin* calls
General Aſſembly, wherein the King's Letter was read,
d hereupon the City made their humble Addreſs to
e Lord Lieutenant and Council, ſetting forth, That
ey found the City by Act of Parliament bound up, and
they ſhould act according to the Letter, they incurred
Forfeiture of their Charters; and therefore humbly
ay'd the Lord Lieutenant and Council to lay their Con-
tion at his Majeſty's Feet.

This Anſwer of the Lord Mayor and Alderman, re-
ded the Freedom of the Papiſts for that time, though
another

1687. another Lord Mayor, one Mr. *Caſtleton* that ſucceeded, made no Heſitation to comply afterwards, and in imitation thereof, the ſame was done ſoon after in the whole Kingdom.

Tyrconnel having gained this Point, tho' a very great one indeed, yet there was another obſtacle in the way which muſt of neceſſity be removed, and that was, to call in all the Charters of the Kingdom; and in order thereto, the firſt that was accoſted by the Earl, was the City of *Dublin*, for he was not ignorant, if he could prevail here, it would prove a precedent to the whole Kingdom: Therefore *Tyrconnel* having ſent for the Lord Mayor and the Aldermen of the City, he acquaints them that he had Orders from his Maſter the King to tell them, as being the chief City of the Kingdom, and upon which as ſuch he intended the greateſt Marks of his Favour, that it was his Pleaſure to call in all the Charters of the Kingdom, not with a Deſign to take any thing from them, but to enlarge their Privileges, by which act of Favour and Bounty, he might endear them to him; he farther told them, that his Majeſty expected their ready complyance, ſo as their chearful ſurrendry of their Charter, might become exemplary to the reſt of the Kingdom. Here the Lord Mayor returned the Anſwer uſual in ſuch Caſes; that is, he ſhould call an Aſſembly, and move it to them. The next day the Aſſembly met, according to the Lord Mayor's Citation, and came to a reſolve, that the Lord Mayor, Recorder, and Aldermen, ſhould wait upon his Excellency, and acquaint his Lordſhip, that as the City had been always Exemplary in their Loyalty and Faithful Obedience to the Kings and Queens of *England*, ſo they ſhall ever continue in the ſame; and therefore humbly conceived it to be their Duty, to lay at his Majeſty's Feet the great Services they had done the Crown, under the Grants and Immunities of 130 Charters they had then in their Treaſury from his Majeſty's Royal Anceſtors, and they humbly expected his Excellency to favour them, in a Repreſentation of their Condition to his Majeſty, for the continuance of their Ancient Government, under ſo many gracious Grants and Charters.

Tyrconnel demands the Charter of *Dublin.*

After the Concluſion of this Speech, *Tyrconnel* fell into a violent fit of Paſſion, and in that mood told them *That this was the Continuance of their former Rebellion, and they had turned out all the Loyal Subjects in the laſt War in*

Ireland

eland, *which they would do ſtill, if it was in their power*; 1687.
d further told them, *That their late diſputing the King's mmands, for admitting Catholicks Freemen, was the cauſe his Majeſty's calling in their Charter*; and being a little me to himſelf, he adviſed the Lord Mayor to call the ſembly again, and comply with the King's Commands, e he knew what would follow. But the Lord Mayor ſired his Excellency to ſignify his Pleaſure to the Aſmbly, by a Letter under his Hand, for it would be ore regarded than a verbal Repetition from him: Beſes he alledged, that it was the conſtant practice of the ief Governors to ſend their Letters upon Occaſions; to hich the Sollicitor General replied, *That there was no ceſſity of any ſuch Formality, but it was ſufficient to do it Word of Mouth, and the Mayor was to be the Meſſenger.* ereupon another Aſſembly was called, where great ebates aroſe, whether to ſurrender the Charter or no; hich at laſt was carried in the Negative; and in order wave the King's Diſpleaſure, it was agreed, that the rd Mayor and Aldermen, ſhould wait upon his Excelncy, and tender their Reaſons for Non-compliance, as o to Intreat him for an Allowance of Time to Petitithe King; not queſtioning but that his Majeſty uld take into his Royal Conſideration both their Explary Loyalty, as alſo their Eminent Sufferings for Father of bleſſed Memory; upon which they proced a Letter from King *Charles* I. dated at *Oxford*, hich teſtified a great acknowledgment of their Loyalty l Faithfulneſs to him, as alſo gave great Aſſurances being rewarded, if it pleaſe God to reſtore him to Rightful Throne again.

On the contrary, the Lord Deputy (according to his al Auſterity) anſwered them roughly, *That he was ſo from interceding for them to the King, that he would reent them to his Majeſty as Contumacious and Diſobedient.* the City called another Council, in which it was olved to ſend a Petition to the King, and that Sir *hard Rivers* their Recorder, was to carry it, who was erely threatned by *Tyrconnel*, (when he came to unſtand their Reſolutions) if he proceeded in it; howr the Recorder goes for *London*, and in the Interim *connel* iſſues out a *Quo Warranto* (according to Direons he had brought over with him from *England*) inſt the City. Upon Sir *Richard's* Arrival at *London*, pplied himſelf to the Duke of *Ormond*, to introduce him

Dublin Petitions the King in vain about its Privileges.

1687. him to the King, where on his Knees he deliver[ed] Petition, with a ſubmiſſive tender of all the City Ch[ar]ters at his Majeſty's Feet. The King, prepoſſeſſed w[ith] the partial Account that *Tyrconnel* had given of this M[at]ter, upon the firſt ſight of the Recorder, demanded [of] him whether he had the Lord Lieutenant's leave [to] come with that Petition, and ſaid, that he had thoſe [in] *Ireland* that underſtood the Law better than him[ſelf] and ſo turned from him. Sir *Richard* after ſome [diſ]courſe and conſultation with the Duke of *Ormond* how to p[ro]ceed in that weighty Negotiation, and the Duke hav[ing] told him, that there was no hopes of ſucceeding there, return'd *re infecta*, for *Dublin*.

But for all this, the City was reſolved to ſtand [the] Brunt, and ſtop the violent Tide if poſſible, and in [or]der thereunto feed four Councels, who pleaded, *That the Sheriffs* (*to procraſtinate Matters*) *were Intereſted at Part in the Writ, the Charters being granted to Mayor, Sheriffs and Commons, and ſo could not properly make Returns to the Writ that came againſt them.* But this was deem'd to [be] no Law; therefore this Return of the Sheriffs was ov[er]ruled, and a Fine impoſed upon them, if in four D[ays] they did not amend their Return; which they were f[or]ced to agree to, and accordingly the Attorney Gen[eral] proceeded againſt them, and took what Advantage [he] could of their Pleadings; which the Court gave Ju[dg]ment upon, and ſo the Charter of *Dublin* was gone; [and] conſonant to the Sentence pronounced againſt it, ſo [was] Judgment given againſt all the Charters of the Kingdo[m] except ſuch as quietly ſurrendred, as moſt did, it [be]ing to no purpoſe for the inferior Corporations to cont[end] after their Head and Capital City was ſubdu'd: How[e]ver *London-Derry* ſtood out Tryal, tho' to no purp[oſe] which was briefly thus: The Corporation pleaded [the] Charter, whereby thoſe Privileges were granted to th[em] *& eo Warranto*, they claim to have and uſe thoſe Pri[vi]leges; to which the King's Attorney reply'd and ſ[aid] That ſince the Charter, the Act of Settlement impo[wers] the Lord Lieutenant and Council, to make Rules [and] Orders for the Regulating of Corporations; that ac[cor]dingly ſuch Rules were made for that Corporation, [a]mong which one was, That they were to Elect at a t[ime] different from that in the Charter, and return the Na[mes] of the Perſons the Corporation ſhould Elect yearly [to] be Mayor and Sheriffs, to the Lord Lieutenant; and

approved of & *unde ex quo*, that if they did not ſo 1687.
lect, and ſend the Names of ſuch Elected, to be ſo ap-
oved, they forfeited their Privileges.

The Corporation in their Rejoinder gave Anſwer to
is new Matter, and ſet forth, That they did all along
arly Elect, and ſend up the Names Elected, accord-
g to the Rules, and that they were approved, &c.
t farther inſiſted at the Bar, that they needed not any
ther Rejoinder to the ſaid Replication, or make any
nſwer as to the matter in the ſaid Replication alledg-
; becauſe admitting the Allegations in the ſaid Re-
cation to be true, yet the Replication aſſigns no breach
the Corporation; for all that come after the *unde ex*
is but a compulſion, and ſolely a concluſion without
Premiſes; for though the new Rules be ſet forth,
it is not ſaid in all the Replication, that the Corpo-
ion did not act purſuant thereto, but only ſaid *unde*
quo, they did not, &c. To which the Court ſaid,
at the Anſwer given to the new Rules, was a depar-
e from the Matter pleaded, *viz.* they juſtify in the
a by the Charter, and in their Rejoynder they ſay,
y chuſe according to the new Rules, which is another
arrant to chuſe, and ſo the Plea vitious. To this the
poration replied, That a Departure is, when a Par-
in a Rejoynder ſets up a new Title to a Thing, or a
Juſtification not ſet up in the Plea: But here they
juſtify by their Charter, and the new Rules made
ſequent, is only to the Modus of chuſing, in reſpect
Time, &c. but the power of Chuſing is ſtill by the
arter. 2. The Plea was only a plain Anſwer to a
t Queſtion demanded by the *Quo-Warranto*, *viz.*
what Warrant they claimed their Privileges, and the
ter of the new Rules was ſent up by the King in his
lication, to which they had no Opportunity of An-
ing till they rejoined. 3. If it had been material to
t forth in the Plea, yet it being a Condition, ſub-
ent (if any thing) and going in deſtruction of the
poration Privileges, they ought not firſt by the Rule
aw to ſet it forth; but it ought firſt to come on the
erſaries part. 4. The Corporation urged, That the
a did not in Law work any Forfeiture of Privileges,
aſe they were not obſerved; for they were in the
mative only, and the Rule of Law is, That Acts in
Affirmative take not away a former Power of doing
thing, but the ſame may be done either the firſt

way

1687. way or the ſecond; notwithſtanding all which, or the ſaid pretended Defect in Pleading, the Merits of the Cauſe never coming in queſtion, the Court gave Judgment againſt the Corporation.

But *Tyrconnel*, to make Amends for depriving the Corporations of their Charters, began, according to his Promiſe, to improve the Nation as to Matter of Trade; therefore he iſſued forth a Proclamation (which was a Violation of an Act of Parliament) to take off the Duty of Iron, and admitting it into the Kingdom, whereby they might encourage Merchants to bring in Pieces of Eight from *Spain*; and *Tyrconnel* was ſo well pleaſed with this Contrivance, that he put it in Execution without asking the King's leave: But aſſoon as it came to the Knowledge of the King, he immediately iſſued forth a Proclamation, countermanding that of *Tyrconnel*'s, which He and his Council had been a ſtudying for ſome time, and were not a little proud of the Reſults of their Counſels: For all that, their Proceedings were ſo illy Interpreted at *London*, that the Lord *Bellaſis*, tho' a Friend of theirs, was ſaid to have ſwore in Council, That the *Fellow* (meaning *Tyrconnel*) *was Fool and Madman enough to ruin ten Kingdoms.*

1688. Now we are come to another Year, and the Affairs of this our own Province fall of courſe under our Pen, which is to treat of ſome Tranſactions that happened this Year, that can hardly be parallel'd in any Age whatſoever; but to make a methodical Proſecution in our Hiſtory, we find that in *February* the Regulation of the Preſs was taken into Conſideration by the King's Privy Council, and to that purpoſe a Proclamation was iſſued forth, grounded upon a Statute made in the 13th Year of the Reign of King *Charles* II. prohibiting the Sale, or expoſing to Sale, of all unlicenſed, ſeditious and treaſonable Pamphlets, under the Pains and Penalties provided by the ſaid Act. At the ſame time another was Iſſued forth, *That whoſoever ſhould Apprehend any Robber, Highway-man, and cauſed him to be brought into Custody, and ſhould within fifteen Days after his Conviction, have the Reward of Ten Pounds for every Offender ſo Apprehended.* A third Proclamation towards the middle of *March* was Iſſued forth, *Commanding the Return of all the King's Subjects, who had taken Arms under, and were then in the Service of the States General of the United Provinces of the Netherlands, either by Sea or Land.*

Divers Proclamations put forth.

The *States General* had ſome Conteſt with the Mar- 1688.
ſs of *Abbeville*, the King's Envoy Extraordinary, up-
the Publiſhing of this Proclamation; for the States
ſted ſo much upon detaining the *Engliſh* Regiments
in their Service, that the Marqueſs, by expreſs Or-
from the King, delivered in a Memorial to the
, about the beginning of *April*; wherein he ſets
h, *That his King was much ſurpriz'd to find, by their
ſhips Reſolution of the 13th of the laſt Month, that their
ſhips perſiſted in refuſing leave to his Subjects to return*
England.

King recalls his Subjects out of the Service of the *States*.

nd ſince the States alledged and affirmed for the Ju-
ation of their Proceedings, theſe three Conſidera-
. 1. That there was nothing ſo agreeable to Na-
, as that he who was born Free, ſhould have the
t and Liberty to ſettle himſelf where-ever he ſhould
k it moſt advantageous for him. 2. And that it was
is Power to be Naturaliz'd, and become a Subject
hem under whoſe Sovereignty he ſubmits his Perſon.
That the Government receiving him, thereby acquir-
ver him the ſame Right it had over its own proper
natural Subjects. The Marqueſs reply'd, That this
ended Natural Liberty could not ſubſiſt after that Do-
ion and Obedience had been introduced; ſo that the
ts of Sovereignty and Obedience were then only
e conſidered; and that in virtue of thoſe Rights it
been the common Opinion in all Times, That no
al Subject could withdraw himſelf from the Obe-
e he owed to his lawful Prince; from whence it
that the Kings of *Great Britain* had in all Times pro-
ed their Subjects to engage in any Foreign Service,
had re-called them home from it, when and as of-
they thought fit. The Marqueſs farther inſiſted up-
e Capitulation made between the Earl of *Oſſory* and
ighneſs the Prince of *Orange*, That in caſe the King
d re-call his Subjects in the Service of the States,
ſhould be permitted to return, *&c.* By virtue of
h Capitulation, and his Reaſons alledged, the Mar-
demanded the Diſmiſſion forthwith of his Maje-
Subjects, which are willing to return; which De-
, as the King would never depart from, ſo (he told
) neither was he willing to doubt of their Lord-
Compliance with it. They did comply ſoon after,
he Effect thereof fell not according to the King's
ſtation; for few or none of the Soldiers returned,

Diſputes between the *States* and the King's Envoy.

1688. being unwilling thereto, for Reasons best known themselves.

Now *April* being come, the King declared, That Intentions were not changed since the 4th of *A* when he Issued out his Declaration of *Liberty of C ence*; and therefore he renewed the Publishing of the Declaration, which was accordingly done in the Words as before, but only it was enlarged by an A tion to it, signifying, that ever since the Publicatio his first Indulgence, he had made it his principal C see it prosecuted without distinction, as he was enc aged to do, by the multitude of Addresses, and other Assurances which he received from his Subject all Persuasions, as Testimonies of their Satisfaction Duty: The Effects of which he doubted not but next Parliament would plainly see, and that it would be in vain, that he had used his utmost Endeavou establish *Liberty of Conscience*, on such just Foundatio would render it unalterable, and secure to all People free Exercise of their Religion for ever: That it was a Security which he desired without the Burden of O and Tests, which had been unhappily made by some vernments, but could never support any; nor could be advanced by such means, to Offices and Employm which ought to be the Reward of Services, Fid and Merit. That in pursuance of this, he had been fo to make many Changes both of Civil and Military ficers throughout his Dominions, not thinking any be employed in his Service, that could not contr towards the Establishing the Peace and Greatness of Country. All this he recommended to his Subjects, firing them to consider how far it was above three Y that he had appear'd that Prince, whose Enemies w have made the World afraid, his chief Aim had to be the Oppressor, not the Father of his People.

Declaration for Liberty of Conscience ordered to be read in Churches, *&c.*

the King to proceed further in this weighty Affair the 4th of *May* passed an Order in Council, Tha Declaration of Indulgence, bearing Date the 27th o *pril*, should be read upon the 20th and 27th of *M* all Churches and Chappels, within the Cities of *don* and *Westminster*, and ten Miles thereabouts; an on the 3d and 10th of *June* following, in all Chu and Chappels throughout the Kingdom; and furth dered, that the Bishops should cause the said Dec on to be sent and distributed throughout their Dioceses, to be read accordingly.

After the Publiſhing of this Order, the Lord Arch- 1688.
ſhop of *Canterbury*, conjunctive with ſix other Biſhops,
z. of St. *Aſaph*, *Ely*, *Chicheſter*, *Bath and Wells*, *Peter-* Biſhops
ough, and *Briſtol*, drew up a Petition in behalf of Petition
mſelves and ſeveral of their abſent Brethren, and the King
hers of the Clergy of their reſpective Dioceſſes. The about it.
nor of the Petition was, That their Averſneſs to the
ſtribution and Publiſhing of the Declaration for Li-
ty of Conſcience, proceeded neither from want of
ty or Obedience, nor any want of due Tenderneſs to
ſſenters: But becauſe the Declaration was founded up-
ſuch a Diſpenſing Power as had been often declar'd
gal in Parliament, and was a Matter of ſo great a
ment and Conſequence to the whole Nation, both in
urch and State, that they could neither in Prudence,
nour, nor Conſcience, ſo far make themſelves Parties
t, as the ſpreading of it all over the Nation, and the
mn Publication of it, even in God's Houſe, and in
Time of Divine Service would amount to, in com-
n and reaſonable Conſtruction; and therefore they
ought the King not to inſiſt upon their diſtributing
reading the ſaid Declaration. His Majeſty reliſh'd
Petition but very unfavory, as appear'd by his An-
, and what followed after: His Anſwer was, That
was informed of their Deſigns before, but did not
eve it, neither did he expect ſuch Uſage from the
urch of *England*, eſpecially from ſome of the Petiti-
s there; however, if he chang'd his Mind, they
ld hear of him; if not, he expected his Commands
ld be obeyed.

After the Departure of the Biſhops, the King reflect- They are
on what paſſed, was told by Chancellor *Jeffreys* (as commit-
then reported) that the Petition might be adjudged to the
ultuary, and conſequently a ſeditious Libel; there- *Tower*;
liable to a legal (as he ſaid, but I think *Ill* added to
would be more proper) Proſecution: And in purſu-
to the Chancellor's Counſel, the Biſhops were ſent
o the Council, and on the ſame day, being the 9th
une, were by a Warrant of the Board committed
e *Tower*; and the next day, *viz.* the 10th, the King
pleaſed to iſſue forth his Royal Proclamation for the
nnization of the firſt of *July* following throughout
Kingdom, for that it had pleaſed God to bleſs his
ſty and his Royal Conſort the Queen, with a Son,
heſe Kingdoms and Dominions with a Prince, born

1688. that very same day, of whose Birth we will say nothing in this place, but that of the Commitment of the Bishops the day before, and some other Circumstances contributed not a little, to make many call in question the Queen's Pregnancy, and whether he was a true Prince or no.

P. Prince of *Wales* born.

But before we come to the Bishops Tryals, it will be improper (according to the right Devolution of Mouths) (tho' we have run a little too far in the following paragraphs) to acquaint the Reader of the further Proceedings of the Commissioners Ecclesiastical, which did little or nothing to do ever since the Suspension of the Bishop of *London* till now, and to look a little back for the better understanding of the Sequel, we find, that on the 9th of *February*, a Letter from the King and Council at *Cambridge*, to the Chancellor of the University there, the Substance of which Letter was, That hearing much of the Commendation of one *Alban Francis*, a Benedictine Monk, the King was pleased to command the University, that they should admit him to the Degree of Master of Arts, without Administring to him any Oath or Oaths whatsoever, notwithstanding any Law or Statute to the contrary, which the King was pleased to dispense with in favour of the said *Alban Francis*. The Vice-Chancellor was not over hasty to read this Letter to the Senate, and when it was done, on the 21st of the same Month it was unanimously agreed by the Members, to testify their Concurrence with the Vice-Chancellor, to advise him not to admit the said *Francis*, till the King had been petitioned to revoke his Mandate. Hereupon the Vice-Chancellor writ a Letter to the Duke of *Albemarle*, then Chancellor, to beg his Intercession with the King, to which the Duke some time after returned an Answer, that he had try'd, but to no effect, but that it was his Sentiment, that the most probable way of succeeding in the Matter was, for the whole Body of the University to concur and sign a Petition, and send it to the King.

Proceedings against *Cambridge* University.

The Colleges, to prevent the Inconveniency of what they deem'd Tumultuary Petitioners, thought it the most conveniable way to send up the Sense of the whole Body by particular Messengers from each House. To which purpose Mr. *Smault*, Professor of Casuistical Divinity, was made choice of by the Non Regents, and Mr. [illegible] Fellow of Trinity College, by the Regents. The Substance of what they delivered was, That the

ought the Admission of Mr. *Francis*, without the usual 1688.
ths, Illegal; and therefore advis'd that the King
ight be petitioned; which Opinions were freely given
the two Messengers of each House, and unanimously
prov'd of by the Members, save three Papists, and
o others, willing to temporize and follow the Stream
the Times.

At this time the Squire-Beadles and Registers were
nt to the forefaid *Francis*, to tell him, that the Senate
s ready to admit him, provided he would Swear as the
w appointed; which he refused, insisting upon the
ng's Dispensation; and immediately took Horse for
don, to prepossess his Patriots that recommended him
the King, with the Behaviour of the University. The
nate upon this, not to be wanting to justify themselves,
tched after him a Squire-Beadle, with two Letters,
e for the Duke of *Albemarle*, and the other for the
rl of *Sunderland*; the Squire-Beadle was presently ad-
tted to the former, but could get no access to the lat-
; and therefore put in his Letter, purporting a most
mble Submission to the King, with solemn Protesta-
ns, that what was done proceeded from no Principle
Stubbornes or Disobedience, but a Conscientious
se of their Obligations to Laws and Oaths, and a re-
ful Intimation, that they were ready to Petition the
g that it might be admitted; but not daring to ap-
ach without some Significations, that it would be ac-
table, they apply'd themselves to his Lordship, desir-
him to do the University the Favour to mediate for
m. The Officer was dismissed, without any satisfacto-
Answer; and soon after a second Letter was sent to
University, exactly the same with the other, with
additional Clause to do it at their Peril. Which be-
ead by the Senate, they dispatched Mr. *Braddock* of
tharine-Hall, and Mr. *Stanhop* of *King's* College to *Lon-*
, with two other Letters to the Duke and Earl afore-
ned, and gave the Messengers other Instructions for
Service of the University. Some time after the de-
n of the Letters, the Duke of *Albemarle* told the
ssengers, *That he endeavoured to intercede for them to*
most of his Power, but to no effect. From the Earl of
derland they had no other Answer, But *that the King*
s seen the Vice-Chancellor's Letter, and was offended at the
ceeding of the University, and would take order very
ly in [illegible] *a further Answer.*

1688. The King's promiſed Anſwer was ſent to *Cambridge* ſoon after, by one *Atterbury* a Meſſenger, and it was Summons from the *Eccleſiaſtical Commiſſioners*, commanding the Vice-Chancellor to appear in Perſon before them and the Senate by themſelves and their Deputies, to anſwer to ſuch things as ſhould be objected againſt them. Then the Senate appointed Dr. *Peachel*, Vice-Chancellor, Dr. *Eachard*, Maſter of *Katharine-Hall*, Dr. *Balderton*, Dr. *Smault*, Dr. *Cook*, Mr. *Billers*, Mr. *Newton*, Mr. *Smith*, and Mr. *Stanhope*, all Fellows of particular Colleges, to repreſent them at the Council Chamber, according to the Summons. Upon their appearance before the Lord Chancellor, Lord Preſident, Earl of *Mulgrave*, Earl of *Huntington*, the Biſhops of *Durham* and *Rochester*, and Lord Chief Juſtice *Herbert*; the Vice-Chancellor was asked, *why he had not obeyed the King's Commands in behalf of Mr.* Francis; to which the Vice-Chancellor deſiring time to anſwer, after three Quarters of an Hour's Debate, the Regiſter was ordered to tell him, that the Lords had granted him a Weeks time; which being ſoon come, the Vice-Chancellor put in his Anſwer in Writing, in the name of the Univerſity and Senate of *Cambridge*; containing a Citation of ſeveral Statutes, one made in the firſt Year of Queen *Elizabeth*, entitled *An Act to reſtore to the Crown the Ancient Juriſdiction over the State Eccleſiaſtical and Spiritual, and Aboliſhing all Foreign Power repugnant to the ſame.* Wherein it was Enacted, That every Perſon that ſhould be promoted to any degree of Learning in the Univerſities, ſhould take the Oath therein mentioned, whereby he ſhould declare and acknowledge the King to be the only Supreme Governor of this Realm, as well in Spirituals as Temporals. A ſecond Act made in the 5th Year to the ſame effect. A third made in the 3d Year of King *James*, and a fourth made in the 9th Year of the ſame King, entitled, *An Act for Adminiſtring the Oath of Allegiance*, by which it was Enacted, That the ſaid Oath ſhould be taken by the Vice-Chancellor, all the Principals of Houſes, and by every other Perſon that ſhould be promoted to any Degree, *&c.* Upon which it was further inſiſted, that both himſelf, as Vice-Chancellor, and every Member of the Senate, had taken the Oath. That the ſaid Statutes were made for the preſervation of the Doctrine profeſſed by the Church of *England*, and the King's Rightful Power and Prerogative, and that

1688.

offered the ſaid Oath to *Alban Francis*, but he refu- to take it. And upon his refuſal, if they had ad- itted him, they ſhould act contrary to the ſaid Statutes, d it would be a breach of Truſt, as well in the Vice- ancellor, as the Senate, and a violation of their Oaths; d for theſe Reaſons they could not admit him. Leaving farther to their Lordſhip's Conſiderations, whether eir Caſe were under their Cognizance? ſince the ta- g a Degree of Maſter of Arts, and the admitting or uſing to admit to ſuch a Degree, was no Eccleſiaſtical atter, but of Temporal Cognizance. Laſtly, they of- ed to their Lordſhips, that by the Statute of the 16th ar of King *Charles* I. there was a Clauſe, that no new ourt ſhould be erected or appointed within the Realm, ich ſhould have like Power, Juriſdiction, or Autho- y, as the High Commiſſion then had, or pretended have, and that all ſuch Commiſſions and Grants, and Powers and Authority granted thereby, ſhould be erly void. After the Anſwer was read, and the Court , the Vice-Chancellor and the Delegates were ſent into the Council Chamber, where they were ac- ainted by the Regiſter, That the Commiſſioners had off the Proceedings in their Buſineſs till the 7th of y following, and that their Attendance was expected hat time. In the interim there was a Rumour ſpread oad, *That the Lords had received a new Commiſſion*; ich was verified, by the Alteration of ſome of the mmiſſioners, yet the Gentlemen of *Cambridge* could prove it; for if they could, the Commiſſioners were g'd to begin all again.

But the 7th of *May* being come, upon the Appearance the Vice-Chancellor and Delegates, the Lord Chan- lor put a Queſtion to the Vice-Chancellor, *What the h was that he had taken*: The Vice-Chancellor, after e Heſitation, anſwer'd, *That it was in Subſtance, to ad- niſter and execute the Duty or Office of the Vice-Chancellor, ich was ſtated by the Statutes of the Univerſity, and the ws of the Land.* From whence another Queſtion aroſe, *ether he did not remember any Maſters of Arts made with- Oaths?* Dr. *Lightfoot* was inſtanced, but then Dr. affirmed, That Mr. *Lightfoot* did ſubſcribe to the 39 icles, of which the firſt was the King's Supremacy; the Lord Chancellor acknowledged, that Subſcribing Swearing. Upon this a third Queſtion was ask'd, *ether the Vice-Chancellor knew any Mandates from the*

1688. 1691.

King refused by the University before. In answer to which it was instanced, That King *Charles* II. had sent his Mandate in behalf of one *Lamell*, to the University, who stood refusing to take the Oaths, and the matter referred to the King, his Majesty was pleased to recall his Mandate.

Vice-Chancellor of *Cambridge* &c. deprived by the Ecclesiastical Commissioners.

After these and some other such like trifling Objections, to shorten the Business, the Chancellor commanded the Company to withdraw, and after some time recalling them to be called in again, proceeded to pronounce Sentence upon the Vice-Chancellor, as being guilty of great Disobedience to the King's Commands, and of many Crimes and Contempts; That he should be deprived of his Office of Vice-Chancellor, and suspended *ab Officio & Beneficio*, of his Headship of *Magdalen College*; and that he should not presume to meddle with any of the Publick Business of the University. Which Sentence was afterwards drawn up in Form, put in Writing, and affixed upon the Gates of *Magdalen College*, and Dr. *Anderson* of *Emanuel College* chosen to succeed in the Office of Vice-Chancellor. And here we conclude this Act (if it may be called so) and leave it to the Reflection of the Reader, whom we will accommodate with another Ecclesiastical Proceeding much of the same Nature.

Proceedings against *Magdalen College.*

The Presidentship of *Magdalen College* falling void by the Death of Dr. *Clerke*, the late President, Notice was given by the Vice-President for a new Election, by fixing a Citation upon the Chappel Door, intimating the Vacancy, together with the time and place where it was to be done, as the Statutes of the College direct. However understanding that the King had granted a Letter Mandatory in behalf of one Mr. *Farmer*, they sent a Petition to Court, wherein they represented to the King, That in regard the said Mr. *Farmer* was incapable by their Statutes, of being President, therefore they besought him to permit them to have a free Election, or recommend to them some other Person, who was capable by their Statutes. Soon after the King's Letter came, and thereupon the Fellows were Summoned together, to know of them whether they would Elect Mr. *Farmer*, in obedience to the King's Mandate, to which they answered, That in regard they had a Petition lying before the King, they thought it convenient to stay till they had an Answer. At length, but not before the utmost time appointed by the Statutes was come

received only a ſhort Anſwer from the Lord Preſi-
dent, *That the King expected to be Obeyed.* But the Fel-
lows, according to the Statutes, proceeded to the Electi-
on of a Preſident, who being preſented to the Viſitor,
was ſworn, admitted, and took his Seat in the Chappel.
In the mean time, to mitigate the King's Diſpleaſure,
the Fellows had taken all the care imaginable, by Peti-
tion to the King, and by writing to their Viſitor, the
Lord Biſhop of *Winchester* and the Duke of *Ormond*,
Chancellor of the Univerſity, ſetting forth their deep
affliction to find themſelves reduced to that unfortunate
neceſſity, of their diſobeying the King's Will, or vio-
lating their Conſciences by notorious Perjuries, and all
this after a gracious Declaration of Indulgence, and Li-
berty to tender Conſciences.

1688.

But upon the News of this Election at *Whitehall*, the
College had notice given, by a Letter from the Earl
of *Sunderland*, that the King was much ſurpriſed at
their Proceedings, and expected they ſhould ſend him an
Account of what had paſſed on that occaſion. Upon
which their Caſe was ſtated and ſent up to *London*, ſet-
ting forth the Incapacity of the Perſon recommended,
and the Obligations of Oaths which they lay under,
not to admit of any Diſpenſations, by whomſoever pro-
cured and granted. Upon this a Citation followed from
the Commiſſioners for Eccleſiaſtical Cauſes, *&c.* requi-
ring the Fellows, or ſuch as they deputed, to appear at
Whitehall. The College ſent Dr. *Aldworth*, Vice-Preſi-
dent, Dr. *Fairfax*, Dr. *J. Smith*, Mr. *Hammond*, Mr.
Oſborn, and Mr. *Fairer*, who were at their appearance
demanded why they refuſed to obey the King's Mandate?
The time limited by the Commiſſioners to make their
reply, they put in their Anſwer in writing to this Effect;
*That Magdalene College as a Body Corporate was Governed
by Statutes granted by* Henry VI. *for him, his Heirs
and Succeſſors, and confirmed by ſeveral Kings of* England:
*That by the ſaid Statutes, the Preſident was to be of a good
Life and Underſtanding, and otherwiſe ſo and ſo qualified, as
they under him fit for ſuch a charge: That they were bound by
their Statutes not to admit any to that Office, but Fellows of that, or
ſome other College: Further, That no Fellow was admitted but he
firſt Sworn to obſerve all the Statutes and Ordinances of
the College: And that they were Sworn alſo not to make uſe
of or conſent to any Diſpenſations, by what Authority ſoever,
or under what Form of Words, whatſoever granted. And*
there-

1688. *therefore in regard they could not comply with his Majesty's Letters, for the Election of Mr.* Farmer, *being a Person in no way qualified, as the Statutes of the College required, without a manifest Violation of their Oaths, and hazard of their legal Interest and Prosperity, they had elected Dr.* Hough, *a Person every way qualified as the Statutes directed, and according to their indispensible Obligations to observe the Founder's Laws.*

Here Dr. *Fairfax* desired to put in a particular Plea for himself, why he did not Subscribe; and further insisted, That the matter then before the Commissioners did not lie in that Court. To which the Chancellor replyed, *he was a Doctor of Divinity, and not of Law*; But he desiring to know by what Commission they sat, the Chancellor was so incensed thereat, that he passionately asked the Doctor, *what Commission he had to be so impudent in Court*; and told him, *that he ought to be kept in a dark Room*: He asked the Fellows, *why they suffered him without a Guardian, and why they did not bring him to my Lordship to beg him.* And then ordering the Fellows to withdraw, after a full Hours Debate, ordered the Vice-President and the Delegates, to appear *Wednesday* the 13th of *June* following.

The Fellows at the time appointed, made their Appearance, and delivered in their Reasons, why they could not Elect Mr. *Farmer*, as being a Person that had misbehaved himself while he was at *Trinity College* in *Cambridge*, where he had received Admonition from the Master, in order to his Expulsion. 2. That he had taught School at *Chippenham* in *Wiltshire*, under a Nonconformist Minister, without License. 3. That being entred into *Magdalen-Hall* in *Oxford*, he was of so violent a troublesome a Humour, that to preserve the peace of the Society, he was desired to leave the Hall. 4. He being admitted some time after into *Magdalen* College in *Oxford*, he declared, *there was no Protestant but would cut the King's Throat*; yet that he was in reality of the Church of *England*, only he made an Interest with some Roman Catholicks to get Preferment. 5. That the very night the King's Letters arrived at the College on his behalf, he was at *Abington*, in very ill Company, drinking to Excess; and was one of those that in the Night time threw the Stacks into the River; for proof of which they delivered Letters and Certificates under the Hands of several Persons. The consideratin of these Objec-

ous prevailed so far, that Mr. *Farmer* was laid aside, but the Vice-President, and Dr. *Hough* were both suspended, the Doctor under notion of being illegally Chosen, and the Vice-President, together with the rest of the Delegates, for Contempt of the King's Letters. 1688.

Soon after a second Mandate was sent to the College, requiring the Fellows to admit the Bishop of *Oxford* to the Presidentship, and at the same time a Letter from the Earl of *Sunderland* was sent to the Senior-Fellow, to let him know, that the King expected a ready Obedience to be paid to his Pleasure; and desiring from him a speedy account of the Fellows Proceedings: But the Fellows still persisting in their steady Resolutions, to the observance of the Statutes of the College, according to their Oaths, nothing was done to the King's Satisfaction. But when his Majesty in his Progress (as we intimated before) came to *Oxford*, the Fellows were ordered to attend him at *Christ-Church*, where he then lay. After admittance into the King's presence, he told them, *that they had not dealt with him like Gentlemen, but shewed themselves very uncivil and undutiful.* At which the Fellows falling upon their Knees, presented a Petition to the King, containing their Reasons why they could not admit the Bishop; being to the same Effect with those they had given, for the refusal of Mr. *Farmer*: But the King would not receive it, saying, That they had been turbulent and stubborn College, and that he had known them to be so these 26 Years; he taxed them with their Church of *England* Loyalty, and bid them be gone, and know that he was their King, and would be obeyed, and commanded them to admit the Bishop of *Oxford*, threatning that upon refusing him, they should feel the weight of their Sovereign's Displeasure. And after a second acting, upon their confirming the Election of Mr. *Holbert*, after the Royal Inhibition, he bid them go and Elect the Bishop of *Oxford*, else they must feel the weight of his Hand.

But all the King's Threats and Commands were not (as the Fellows urg'd) to stand in competition with Injury, which they would be guilty of in electing the Bishop, recommended by the King; therefore an inferior sort of Commissioners for Ecclesiastical Causes and Visitations, *&c. viz.* the Bishop of *Chester*, Dr. *Cartwright*, Sir *Robert Wright*, Chief Justice of the *King's Bench*, Sir *Thomas Jenner*, one of the Barons of the *Exchequer*,

1688. *Exchequer*, were sent down to *Oxford*, to Visit [illegible] *College* in particular. The Fellows were summon[ed] before these Commissioners, that sat in the Colle[ge] Hall. Upon their Appearance, after a sight of [the] Commission was demanded, Dr. *Hough*, one of the Fe[l]lows, was asked whether he would submit to the Vi[si]tation or no? He declared in his own, and the name [of] the greater Number of Fellows, that they did submit [to] the Visitation, as far as it was consistent with the La[w] of the Land, and the Statutes of the College, and [no] farther, and desired it might be Recorded. Here the Chief Justice demanded to know of the Doctor whether he thought they came to act against the Law? The Doctor replied in plain terms, That their Commission gave them Authority to change and alter the Statutes and make new ones as they thought convenient; but that he had Sworn to admit neither of any new Statute nor Alteration in the Old, and therefore he neither could nor would admit of any Alterations. After several Disputes on both sides, the Bishop of *Chester* demanded all their Registers, with an account of the Benefactors, what Mony every one gave, for what use, and how employed; and a Copy of all their Leases they had let for two Years last past, to whom let, and what Fines they had received. And so the Fellows were dismissed at that time.

Upon their next sitting, Dr. *Hough* being sent for before the Commissioners by himself, was immediately asked whether he submitted to the Decree of the Commissioners, by which his Election was declared void? The Doctor made answer, that it was a nullity in it self from the beginning to the end, he having never been cited, nor having ever appeared before them, and therefore could not submit to that Decree. In the next place he was questioned whether he would deliver up the Keys of the President's Office and Lodgings, to the Person appointed by the King to be the President? To which the Doctor shortly replied, *That he had neither seen nor heard any thing to induce him to it.* Then the King's Proctor stood up and accused the Doctor of Contempt, and the Bishop of *Chester* admonished him three times to depart peaceably out of the Lodgings, and to act no longer as President, or pretended President of the College; which being done, his Name was struck out of the Registery Book, and the Fellows and the rest of the Society [illegible]

dentified in like manner, no longer to submit to his 1688.
thority.

This being done, the Court Adjourned, and upon their next meeting, it was propounded to the Fellows in general, whether they would admit of the Admission of the Bishop of *Oxford* to be installed President, by vertue of the King's Mandate? To which they answered, that they were under Oaths to the contrary, and therefore would not do it. But in the midst of this Examination, the President came into the Court, without any attendance, and applying himself to the Commissioners, protested against all their Proceedings, and against all that they had done, or hereafter should do, in prejudice of his Right, as illegal, unjust and null, and therefore he appealed to the King in his Courts of Justice. Upon this the Strangers and Scholars that were in the Hall, gave a Hum, which so incensed the Commissioners, that notwithstanding all the Protestations the President and Fellows could make, the Lord Chief Justice would not be pacified, but charging in upon the President, bound him in a Bond of a thousand pound, with securities to the like value, to appear at the King's Bench Bar. The Commissioners finding still the Fellows resolute in their Determinations, adjourned into the Chappel, and put Mr. *Wiggins* the Bishop of *Oxford*'s Chaplain into the President's Stall (not one of the Fellows being present but only Mr. *Charnock*,) where he took the Oaths which the Statutes enjoined the President to take at his admission, together with the Oaths of Allegiance and Supremacy. Which done, he was conducted by the Commissioners to the Door of the President's Lodgings, where, after they had knocked three times, and found that no body opened the Doors, they returned to the Publick Room, and ordered a Smith to be sent for to open them open; which being done, they gave Mr. *Wiggins* possession of the Lodgings, where he dined that day in token of an absolute Confirmation.

After this, another Question was put to the Fellows, whether they would submit to the Bishop of *Oxford*, as then installed President, by virtue of the King's Mandate. To which Dr. *Fairfax* resolutely made Answer, *That he neither could nor would obey the Bishop of* Oxford; and being further asked, whether he submitted to the Authority of the Court; he denied it then, as formerly he had done at *Whitehall*. Upon this Answer of his,

his

1688. his Place was immediately declared void, and he com-
manded to depart quietly from the College within
Days. Next Mr. *Fulham* was asked particularly, whethe
he would obey the Bishop of *Oxford*? To which h
made a reply, That Dr. *Hough* being duly elected an
admitted President, and having no way forfeited hi
Right, he could obey no other Person as President, add
ing withal, that the Bishop had not Possession in du
Form of Law, nor by the proper Officers, which th
Chief Justice taking an Affront to his Knowledge in th
Law, Mr. *Fulham* was forthwith Suspended from th
profits of his Fellowship, during the King's Pleasur
Hereupon the rest of the Fellows were demanded wh
ther they would obey the Bishop of *Oxford* as their Pre
sident? They unanimously (except two) answered i
the Negative. Upon that the Bishop of *Chester* made
long Speech, setting forth the Quarrelsome and Fact
ous Humour of the Society in General, and their par
cular Disobedience and Contumacy to the King, in th
refusal of Mr. *Farmer*, and the Bishop of *Oxford*; and aft
he had brought his long Harangue to a Conclusion, h
proposed a Submission for them to sign, being in fu
stance, *That they should acknowledge with all Humility the
Contempt to the sacred Person of the King, and his Lette
and promise to behave themselves Loyal for the future; a
own the Proceeding and Legality of the Court, and implo
the King's Pardon, and cast themselves at his Feet.* But a
the Fellows (Mr. *Thomas Smith* and Mr. *Charnock* excep
ed) refused to sign it, and thereupon they were to th
number of 26 pronounced guilty of Disobedience to h
Majesty's Commands, and of persisting in their Co
tempt; and therefore condemned to be Deprived an
Expelled from their respective Fellowships: And further
they were all made incapable of being received or a
mitted into any Ecclesiastical Dignity, Benefice or Pr
motion. And such as were not yet in Holy Order
were adjudged uncapable of receiving, or being admi
ted into the same.

The Fellows of *Magdalen*-College deprived.

After the pronouncing this severe Sentence, the Co
broke up, as we do this unaccountable Proceeding, an
return to *London*, where we find the Bishops that we
committed to the *Tower*, now on their Tryals; and
be a little particular in this important Affair, take th
following Account.

The Biſhops upon the 15th of *June*, being the firſt day of the Term, were brought by a *Habeas Corpus*, to the *King's Bench* Bar, in order to be charg'd with an Information, which the Attorney General moved, that might be read to the Biſhops, in order for them to plead to it. This the Biſhops Counſel oppoſed, alledging, that if the Priſoners were not regularly before the Court, as not being brought in by the due Proceſs of the Court, then the King's Counſel had no Power to charge them with an Information; and to make out the Irregularity of the Commitment, it was argued, that it did not appear, that in the Time of the Commitment, there was any cauſe to impriſon the Biſhops, or by the Warrant any cauſe to detain them; for the Return did not ſay Biſhops they were committed by the Lords in Council, but by Tryed. the Lords of the Council, who had no power, unleſs in Council, to make a Warrant for the Commitment of any Perſon; ſo that if the Biſhops were committed by thoſe who had no power to commit them, and ſo were brought by Writ of *Habeas Corpus* to the *King's Bench*; the Court had no power to commit them. 2. The Biſhops Counſel pleaded, That no Peer of *England* could be committed to Priſon for a Miſdemeanour, eſpecially at the firſt inſtance; which further made out, that the Biſhops were not legally in Court.

1688.

On the contrary ſide, the King's Council argued, that the Lieutenant of the Tower could not well make any other return, and that it was well known, that the Lords who ſigned the Warrant, were Lords of the Council, and that it would not be thought otherwiſe, but they were in Council when they ſign'd the Warrant; and therefore the Return was good, and conſequently the Priſoners legally brought before the Court. In anſwer to the ſecond Objection, that a Peer could not be committed upon a bare Miſdemeanour, which they own'd to be true, yet they argued if it were ſuch a Miſdemeanour as required Sureties of the Peace, he might, and that the Miſdemeanour was ſuch, was apparent, becauſe it was for Publiſhing a Libel to the King's Face, and for that there was *Vi & Armis* in the Information; but after a ſharp Conteſt on both ſides, the Judges overruled it for the King, tho' indeed Mr. Juſtice *Powel* was of Opinion, That the Objections of the Biſhops Counſel were of more weight, than to be ſo eaſily determined; but the King's Councel having gain'd this Point, the

In-

1688. Information was read; That the Archbishop of Cant*erbury*, and Bishops of St. *Asaph*, *Ely*, *Chichester*, *Bath and Wells*, *Peterborough*, and *Bristol*, did unlawfully, ma*liciously*, seditiously and scandalously Compose and Wri*te* a certain false, pernicious and seditious Libel, and t*he* ing so Composed and Written, by Force and Arms, *&c.* Publish the same in the Presence of the King. Wh*at* seditious Libel was the Petition already mentioned. A*fter* the Information was read, the Bishops Council mo*ved* for an Imparlance, and to have a Copy of the Inform*a*tion, that the Bishops might have Time to Plead; t*o* the King's Council opposed, and insisted that the B*i*shops might Plead forthwith, which occasioned a h*ot* and a long Contest on both sides, till the Master of t*he* Crown Office gave them to know, that it had been t*he* practice of the Court, for a dozen Years, that ev*ery* Person that appear'd upon Recognizance, or was a*t* way in Custody, was to Plead presently; and thereu*pon* the Court over-ruled that Debate too for the K*ing*. Thereupon the Lord Archbishop of *Canterbury* tende*red* a short Plea in Writing to the Court, desiring it m*ight* be admitted; which the King's Council denyd, a*nd* would allow only that it should be read, which be*ing* done, it appear'd to be no more, than what had b*een* insisted upon before by the Bishops Council, *viz.* T*hat* the said Bishops were Peers and Lords of Parliam*ent*, and for that reason ought not to be compell'd to ans*wer* instantly to the Misdemeanour mention'd in the In*for*mation, but to have reasonable Time to impart and a*d*vise with Counsel, *&c.* this Paper occasioned a*no*ther long Debate between the Counsel on both sides, t*ill* the Chief Justice giving his Opinion, that the Plea c*on*tain'd no more than what had been over-ruled alr*eady*, and that therefore the Court was not bound to re*ce*ive it; then each of the Bishops were forced to answ*er* their Titles, and thereupon pleaded, Not Guilty; t*hen* the King's Attorney General gave notice of a Tr*ial* at the Bar the same Day fortnight, and the Court t*ook* single Recognizances from the several Prisoners to a*p*pear at the Day prefixed, the Archbishop was bound*en* 2000 Pounds, the rest 1000 a-piece.

The Time being come, *viz.* the 9th of *July*, the B*i*shops made their Appearance at the Bar, the Inform*a*tion was read, the Substance of which we have given already. In the first place several Proofs were bro*ught*

1688.

...ame his Grace's Hand, and the Hands of the rest of ...ir Lordships, by Comparison of Hands, but that ...mparison was proved in a very uncertain manner; ...me say'd they knew not what to believe; others that ...was rather such a Lord's Hand, &c. The Bishops ...nsel would by no means allow Comparison of ...nds to be good Evidence, in Case of a Misdemean... ...and Mr. Justice *Powel*, and Mr. Justice *Holloway*, ...curred with them, and alledged that Comparison of ...nds was too slender a Proof in Criminal Matters; ...more particularly Mr. Justice *Powel* told the Solici... ...that the Paper was not sufficiently proved to be sub... ...ed by the Lords Bishops; so that when the Petiti... ...was offered to be read in Court, with the Bishops ...es to it, it was rejected upon the Division of the ...ges Opinions. But now comes one of the Clerks of ...Council, who swore that his Grace of *Canterbury*, ...the rest of their Lordships, own'd their Superscrip... ...at the Council-Table; upon that the Petition was ...ly read and urged by the King's Counsel, as full ...idence. Here the Bishops Counsel urged, That there ...no Evidence of the Fact, either of Writing or Pub... ...ing the Petition in *Middlesex*, as it was laid in the ...mation. And further insisted, That whereas the ...mation set forth, that the Lords Bishops, under ...ence of a Petition, had made a Libel, there was no ...ion at all set forth, the Title of Address, and the ...ionary part being omitted, which was both Disin... ...us and Injurious, in regard the part omitted might ...the Sense of the whole. That it was not writ in ...sty, the Bishops Counsel proved, for that his ...e had not been out of *Lambeth-House* not in two ...s before the Order was made, till he was before ...Council. And as to the Publishing of it by the Bi... ...it was not proved neither on the King's side, ...the owning of a Paper upon a Question put by ...ing himself, could be no Publication of a Libel, ...at if a Man were asked by Authority, whether ...Paper were his Hand, and he acknowledg'd it in... ...to the Question, to turn that to a Crime, was a ...that could never be done, nor ever was done; ...*Geo. Treby* was of Opinion, that the King's Coun... ...ere so far from proving that the Bishops did Pub... ...the Paper, that they had rather proved their Lord... ...did not Publish it, to which the whole Court at

1688. length agreed, that there was no ſufficient Evidence
the Biſhops publiſhing the Paper in *Middleſex*, and
Mr. *Blaithwait*, Mr. *Bridgman*, and Sir *John Nich*
were call'd again, to try if they could have made a P
lication of it by the Biſhops, yet they could make
thing of it, but that the King was rather the Publi
of it by bringing it himſelf into the Council.

Upon this the Lord Preſident came into Court, wh
Evidence was like to turn the Scale, now bending
the Biſhops ſide, very much againſt them, for he Sw
that the Biſhops of St. *Aſaph* and *Chicheſter* came to
Office, and told him, that they came in the Name
the Lord Archbiſhop of *Canterbury*, and four ot
of their Fraternity, with a Petition which they de
to deliver to the King, and came to him to know wh
was the beſt way of doing it, and whether the K
ſhould give them leave or no: That they would have
him to read the Petition, which he refuſed, as no
all belonging to him to do, however that he would
quaint the King with their Deſires, and bring them
Anſwer forthwith; both which he accordingly did,
that his Majeſty's Anſwer which he brought the
Biſhops was, That there was Admittance for them w
they pleaſed: Upon this Anſwer the two Biſhops
and fetched the other Biſhops, and when they c
immediately went into the Bed-Chamber, and ſo
another Room, where the King was. This Evid
was not ſo much againſt the Archbiſhop, as the o
Biſhops, and the Buſineſs was left here to the Jury.
Sir *Robert Sawyer*, in ſumming up the whole to
Jury (whoſe Names to their perpetual Honour
Sir *Roger Langley*, Sir *William Hill*, *Roger Je*
Eſq; *Tho. Harriot*, Eſq; *Jeophery Nitingall*, *Will. Wi*
Eſq; *Will. Avery*, *Tho. Auſtin*, *Nicholas Grace*, *Mi*
Arnold, *Tho. Done*, *Richard Shoreditch*, Eſqs) obſe
to them, That the Petition contain'd nothing of
tion in it, but that it was only a bare Excuſe of
Non-Compliance with the King's Order, and be
of the King with all Submiſſion and Humility, th
would be pleaſed not to inſiſt upon the reading his
claration, becauſe the diſpenſing Power, upon wh
was founded, had been ſeveral times in Parliament
clared to be againſt Law; and becauſe it was a ca
that Conſequence, that they could not in Prud
Honour and Conſcience concur in it; and tho' Mr.

ey had charg'd it in his Information to be a falſe, 1688.
licious and ſcandalous Libel, yet he doubted not to
ke out the contrary; for if a Subject was command-
to do a Thing which he thought againſt the Law and
own Conſcience, there was no Reaſon but he might
ly himſelf to the King, and lay his Reaſons at his
t, why he could not concur with him in ſuch a Com-
nd. So that the whole was no more, but that the
ds the Biſhops being thus aggriev'd, made their Pe-
on to the King in the moſt private and reſpectful
nner they could; and therefore for the Attorney Ge-
al to load it with ſuch black, horrid Epithets, could
no ſmall trouble to their Lordſhips, neither could
y reſent it leſs Injurious, that the Attorney General
uld draw ſo ſevere a Charge againſt them, when he
l ſo little Evidence to make it out. Further, that
re was no ſuch Malice and Falſhood in it, as the At-
ney General pretended; which was evident from the
hops Duty incumbent upon them, in reference to the
ple under their Charge, and their Intereſt in the
vernment, and the Reaſons they gave, grounded up-
the Illegality of the King's diſpencing Power, ſo de-
ed in Parliament.

Upon this a long and learned Diſpute aroſe, concern-
the King's aſſumed Power to ſuſpend the Laws of
Realm at his Pleaſure: The Chief Juſtice at firſt
n'd unwilling to enter upon the Diſpute; but at the
ency of Mr. Juſtice *Powel*, affirming that it was ne-
ry for them to fall upon that Point, for that if the
g had no ſuch Power (as clearly he had not in his
gment) the natural Conſequence would be, that the
ition was no diminution of the King's Legal Power,
l ſo neither Seditious nor Libellous. Then the Chief
ice being ſatisfied of the neceſſity of deciding this
t Point, upon which depended the whole Tryal, he
ply'd with Mr. Juſtice *Powel*, and ſo both ſides en-
d upon the Diſpute eagerly, which being too tedi-
to be here inſerted, we will refer the Reader to the
al of the Biſhops at large.

Now the Lord Chief Juſtice in giving his Directions
the Jury, came to this Point, moved thereto more
cially by the Lord *Sunderland*'s Evidence, That if
y believed the Petition preſented by the Biſhops to
King, was the ſame produced in Court, then the
blication was ſufficiently proved: If they did not

1688. think it was the ſame Petition, then the Lords the Bi-
ſhops were not guilty of the Publication. 2. Whether
if it were the ſame Petition, it were a Libel or no?
this particular the Chief Juſtice gave his Judgment, that
any thing which tended to diſturb the Government, and
make miſchief among the People, was *Libellus Famoſus*,
and therefore his Opinion in ſhort was, That it was a
Libel. Here Mr. Juſtice *Holloway* gave his Opinion that
on the whole; That the Intention of every Action was
to be conſidered; That the Biſhops were charged with
delivering of a Petition, which, according as they made
their Defence, was done with all the Humility and De-
cency imaginable, and as they were not Men of evil
Lives, or the like, ſo the Delivery of a Petition by them
could be no Fault, in regard it was the Right of every
Subject to Petition. Therefore if the Jury were ſatisfi-
ed that they delivered the Petition with an ill Intent,
then they were to find them Guilty; but if they did it
to ſave themſelves harmleſs, and to ſave themſelves from
blame, by ſhewing the Reaſons of their Non-Concur-
rence with the King's Commands, he could not think
it to be a Libel. But Mr. Juſtice *Powel* went farther, and
plainly declar'd, That he could not ſee any Thing of Se-
dition, or any other Crime fix'd upon the Reverend
Priſoners the Biſhops, for there was nothing offered by
the King's Counſel, to make the Petition either Falſe
or Malicious. He farther propounded to the Jury the
due Conſideration of the Contents of the Petition, which
was only this, That the Biſhops apprehended the Decla-
ration Illegal, as being founded upon a diſpenſing Pow-
er, which the King claims to diſpenſe with the Laws in
Eccleſiaſtical Affairs; as for his part he declared he did
not remember in any Caſe in all the Law, that there
was any ſuch Power in the King; ſo that if there were
no ſuch Power in the King, the Petition could be no
Libel, which alledged, that the Declaration being found-
ed upon ſuch a pretended Power was Illegal; but that
the Diſpenſation aſſumed in the King's Declaration, was
a Diſpenſation with a Witneſs, as amounting to a Re-
peal and Abrogation of all the Laws; and he knew of no
difference of the King's Power to diſpence with Laws Ec-
cleſiaſtical, and his Authority to diſpenſe with any other
Laws whatſoever, which if it were allowed, there would
be no need of Parliaments, ſince all the Legiſlative Power
would be in the King; which was worth their Conſide-
ration.

On the contrary ſide, Mr. Juſtice *Allibon*, a profeſt Papiſt, flew out in the height of his Roman Zeal, and was ſo eager upon the point, that his Tongue outran his Memory; for he made ſeveral miſ-quotations, for which he was corrected by Judge *Powel*; and upon the further information of his Error, made out by the Solicitor General, he was forced to acknowledge it, ſo that the Jury gave but little heed to his confuſed ſtuff. When the Jury withdrew, and ſat up all that Night, and the next morning brought in the Prelates *not Guilty*, to no ſmall Joy and Satisfaction of all the Well-wiſhers to the Proteſtant Religion, and the very Soldiers upon *Hounſlow-Heath* were not deficient to give loud Demonſtrations of their Joy upon this account; for aſſoon as the News of the Biſhops acquittal arrived at the Camp; where the King was treated that very inſtant at the Lord of *Feverſham* (General of his Army) in his Tent; the Soldiers gave a general Shout, which amaz'd the King himſelf, he ſent the Earl to enquire the occaſion of ſuch a ſuddain ſignal of Mirth; the Earl returned and told the King, that it was nothing but the Soldiers Joy for the Biſhops acquittal; which Anſwer was not well reliſhed by his Majeſty, as appeared by his Reply, ſaying, *And call you that nothing?* 1688.

Biſhops Acquitted.

But notwithſtanding the acquittal of the Biſhops, the Commiſſioners of Eccleſiaſtical Cauſes went on ſtill, and ſent forth their Mandate, bearing date the 16th of *Auguſt* to the Chancellors and Archdeacons of the ſeveral Dioceſes throughout *England*, to make diligent Enquiry, and to ſend them an exact Account where and by whom the King's Declaration had not been Read, and who had Read it, according to the King's Order; but the Execution of this Commiſſion, upon the apprehenſion (as is ſuppoſed) of the Preparations in *Holland* was ſtopt there, and we ſhall hear no more of it, till ſuch time it was diſſolved by his Majeſty's Orders. But here we muſt not to paſs by in ſilence, that ſeveral Officers at this time were not a little diſſatisfied at the Proceedings taken in the Army, in admitting into their Number a great many *Iriſh* Officers and Soldiers; and upon this occaſion Lieutenant Colonel *Beaumont*, with the Concurrence of ſeveral Officers belonging to the Duke of *Berwick*'s Regiment then at *Portſmouth*, Addreſſed the Duke to this Effect: *That it was inconſiſtent with their Honours, to have Officers impoſed upon them, and a diminution to the* Engliſh

1688. liſh *Valour*, *not to have their Companies filled up with t* *own Natives*; *and that it was their humble Petition*, t *leave ſhould be granted them, to take into the Kings Ser* *his* Engliſh *Subjects*, *as being more ſutable for the ſame*, *more ſupportable to their Honours*; *elſe it was their h* *Addreſs to lay down their own Commiſſions.* But for t plaineſs of theirs, they were Caſheer'd, and had come off ſo, had not at that time the Memorial of *French* Ambaſſador arrived, intimating the danger were in of an Invaſion from *Holland*.

Now the King, apprehenſive of ſome danger from States General, ordered the Marqueſs of *Albeville*, Envoy at the *Hague*, to put in this Memorial; w was done accordingly, on the 23 of *Auguſt*.

High and Mighty Lords,

Eng. Ambaſſador's Memorial at the *Hague*.

" THE great and ſurprizing Preparations of " made by your Lordſhips by Sea and Land, " ſeaſon when all Action, eſpecially by Sea, is " ſide, giving juſt cauſe of Alarm to all *Europe*, " the King my Maſter, who has had nothing ſo " in his Mind ſince his Acceſſion to the Crown, " continuation of the Peace and Correſpondence " this State, to order me the Marqueſs of *Albeville*, " Envoy Extraordinary, to know your Lordſhips In " ons thereby. His Majeſty, as your ancient Ally " Confederate, believes it juſt to demand this K " ledge, which he hoped, with good reaſon, to " heard from your Ambaſſador; but as he ſees his " of Alliance and Confederation neglected, and that " Power is raiſing, without communicating the " in the leaſt to him, he find himſelf obliged to " force his Fleet, and put himſelf in a condition " maintain the Peace of *Chriſtendom*.

States Anſwer.

In anſwer to this, the *Dutch* returned, that they Armed themſelves in Imitation of his *Britannick* M and the other Princes, and that they had thereby no juſt Cauſe of offence by Arming, when all other ces were in motion; and that they were long ſince vinced of the Alliance, which the King his Maſter treated with *France*, and what had been mention them by Count *d' Avaux* in his Memorial. Which morial of the *French* King was put into the States o 30th of *Auguſt*; wherein was declared, that the m and warlike Preparations of the *Dutch*, was moſt ſu

g to the *French* King, especially when he consider'd 1688.
e present Juncture, being a time of Peace and Tranquility, as also the late Season of the Year. That several Circumstances induc'd his Majesty to believe, that their Design was against *England*; but he thought fit to acquaint the States, that the Bonds of Friendship and Alliance between him and the King of *Great Britain* were so firm and unfringible, that he was not only to assist him, but also to look on the first Act of Hostility that should be committed either by Sea or Land, against his Majesty of *Great Britain*, as a manifest Rupture of the Peace, and a breach with his Crown.

But to return home, The King towards the latter end of *August*, declared in Council, that in pursuance of his late Declaration, he intended to call a Parliament to meet in *November* next; and in order thereto, directed the Chancellor to cause Writs to be issued forth upon the 5th of *September* ensuing; and upon the 21st of that Month his Majesty was pleased to publish another Declaration, intimating, *That he had called a Parliament* King's
to meet at the time aforesaid, and that Writs of Summons Declara-
were issued out accordingly, least those whose Right it was to tion.
elect Members of Parliament, should be under any prejudices or mistakes, through the Artifice of disaffected Persons, he thought fit to declare, that it was his purpose to endeavour a Legal Establishment of Liberty of Conscience for all his Subjects, and inviolably to preserve the Church of England, *by a Confirmation of the several Acts of Uniformity. And for the farther securing not only the Church of* England, *but the Protestant Religion in general, he was willing the Roman Catholicks should remain incapable of being Members of the House of Commons, to remove those Fears and Apprehensions, least the Legislative Power should be ingrossed by them, and turned against the Protestants, he farther assured his loving Subjects, to do every thing else for their Safety and Advantage that became a King, who would be always careful of his People; exhorting them to lay aside all Animosities, and so to dispose themselves, as to think of such Persons to represent them in Parliament, whose Abilities and Tempers rendred them fit for so great and so good a Work.*

But upon the neck of this, the King being further informed of the danger he was in from *Holland*, his Royal Proclamation was published in the *Gazette*, in which it was intimated, That the King had received undoubted Intelligence, *That a great and suddain Invasion from*

1688. Holland *was to be ſpeedily made, in a Hoſtile manner upon this Kingdom*; and that altho' ſome falſe Pretences relating to Liberty, Property, and Religion, might be given out, yet that an *abſolute Conqueſt, and the Subduing of him and his Dominions to a Foreign Power*, was the main thing deſigned by ſome Perſons of wicked and reſtleſs Spirits, implacable Malice, and deſperate Deſigns, who having no Senſe of former Inteſtine Diſtractions, and the Miſeries attending them, nor moved by his reiterated Acts of Grace and Mercy, which always ſhewed themſelves in the Titles of his Pardons and Indulgences, did again endeavour to embroil the Kingdom in Blood and Rapine. However, relying upon the ancient Courage, Faith, and Allegiance of his People, for he had formerly ventured his Life, for the Honour and Safety of the Nation, ſo he was now reſolved to Live and Die in Defence thereof, againſt all Attempts whatſoever. Further he gave the Nation to Underſtand that he intended to have a Parliament in *November* next, but that this intended Invaſion had obliged him to recall his Writs directed to the Corporations; and about this time the King was pleaſed to create his Natural Son the Duke of *Berwick*, Knight of the Garter.

Now it being the 2d of *October*, the Mayor, Aldermen and Sheriffs of the City of *London*, being ſent for and attending the King at *Whitehal*, he was pleaſed to tell them, that out of his Concern for the Peace and Welfare of the City, and as a Mark of the great Confidence he had in them, at a time that the Kingdom was threatned with an Invaſion, he had reſolved to reſtore them their Ancient Charter and Privileges, to put them in the ſame condition they were, at the time of the Judgment being pronounced againſt them upon the *Quo Warranto*; and ſo they might be the better enabled to ſerve him with that Duty and Loyalty of which they had given his Brother and himſelf ſo many Teſtimonies, and his Majeſty ſome time before was pleaſed to ſet forth

A general Pardon granted.

a General Pardon, excepting only *Robert Parſons*, *Edward Matthews*, *Sam. Venner*, *Andrew Fletcher*, Col. *Rumſey*, Major *Manley*, *Iſaac Manley*, *Francis Charleton*, *John Wildman*, *Titus Oats*, *Robert Ferguſon*, *Gilbert Burnet*, Sir *Robert Peyton*, *Laurence Braddon*, *Samuel Johnſon*, *Thomas Tipping*, Sir *Rowland Gwin*, &c.

Upon the 3d of *October* the Archbiſhop of *Canterbury* together with the Biſhops of *London*, *Wincheſter*, *Aſaph*

Asaph, *Ely*, *Chichester*, *Bristol*, *Bath* and *Wells*, and *Peterborough*, waited upon the King, and offered the following Propositions to his Majesty's Consideration, after the Archbishop, by way of Preface had spoken thus. 1688.

May it please your Sacred Majesty,

WHEN I had lately the Honour to wait upon you, you were pleased briefly to acquaint me with what had passed two days before, between your Majesty and these my Reverend Brethren: By which, and by the Account which they themselves gave me, I perceived, that in truth there passed nothing, but in very general Terms and Expressions of your Majesty's gracious and favourable Inclinations to the Church of *England*, and of our reciprocal Duty and Loyalty to your Majesty: Both which were sufficiently understood and declared before; and (as one of my Brethren then told you) would have been in the same state, if the Bishops had not stirred one foot out of their Dioceses. Sir, I found it grieved my Lords the Bishops to have come so far, and to have done so little; and I am assured they came then prepared to have given your Majesty some more particular Instances of their Duty and Zeal for your Service, had they not apprehended from some words which fell from your Majesty, that you were not then at leisure to receive them. It was for this reason that I then besought your Majesty to command us once more to attend you altogether, which your Majesty was pleased graciously to allow and encourage. We therefore are here now before you, with all humility, to beg your Permission, that we may suggest to your Majesty such Advices as we think proper at this Season, and conducing to your Service, and so leave them to your Princely Consideration. Which the King being graciously pleased to permit, the Archbishop proceeded as followeth. Bishops Advice to the King.

I. Our first humble Advice is, That your Majesty will graciously pleased to put the management of your Government in the several Countries, into the Hands of such of the Nobility and Gentry there, as are legally qualified for it.

II. That your Majesty will be graciously pleased to annex your Commission for Ecclesiastical Affairs, and that

1688. no ſuch Court as that Commiſſion ſets up, may be erect-
ed for the future.

III. That your Majeſty will graciouſly be pleaſed, th
no Diſpenſation may be granted or continued, by virt
whereof, any Perſon not duly qualified by Law, ha
been, or may be put into any Place, Office, or Pre
ferment in the Church or State, or in the Univerſitie
or continued in the ſame, eſpecially ſuch as have Cu
of Souls annexed to them, and in particular, that yo
will be graciouſly pleaſed to reſtore the Preſident an
Fellows of St. *Mary Magdalen* College in *Oxford*.

IV. That your Majeſty will graciouſly be pleaſed t
ſet aſide all Licenſes or Faculties already granted, b
which any Perſons of the Romiſh Communion may pr
tend to be enabled to teach Publick Schools; and th
no ſuch be granted for the future.

V. That your Majeſty will be graciouſly pleaſed
deſiſt from the Exerciſe of ſuch a Diſpenſing Power
hath of late been uſed, and to permit that point to
freely and calmly Debated and Argued, and finally ſettl
in Parliament.

VI. That your Majeſty will be graciouſly pleaſed
inhibit the four Foreign Biſhops, who ſtile themſelv
Vicars Apoſtolical, from further invading the Eccleſiaſ
cal Juriſdiction, which is by Law veſted in the Biſho
of this Church.

VII. That your Majeſty will be pleaſed graciouſly
fill the vacant Biſhopricks, and other Eccleſiaſtical Pr
motions within your Gift, both in *England* and *Irela*
with Men of Learning and Piety; and in particu
(which I muſt own to be my peculiar boldneſs, for
done without the privity of my Brethren) That you w
be graciouſly pleaſed forthwith to fill the Arch-Epiſc
pal Chair of *York* (which has ſo long ſtood empty, a
upon which a whole Province depends) with ſome v
ry worthy Perſon: For which (pardon me, Sir, if I
bold to ſay) you have now here before you a very f
Choice.

VIII. That your Majeſty will be graciouſly pleaſed
Superſede all further Proſecution of *Quo Warranto*s
gainſt Corporations, and to reſtore to them their anci
Charters, Privileges, and Franchiſes, as we hear G
hath put into your Majeſty's Heart to do for the City
London, which we intended to have made otherwiſe o
of our principal Requeſts.

IX. T

IX. That if it pleaſe your Majeſty, Writs may be iſſued out with convenient ſpeed, for the calling of a free and regular Parliament, in which the Church of *England* may be ſecured according to the *Acts of Uniformity*; proviſion may be made for a due *Liberty of Conſcience*, and for ſecuring the Liberties and Properties of all your Subjects; and a mutual Confidence and good Underſtanding may be Eſtabliſhed between your Majeſty and all your People. 1688.

X. Above all, That your Majeſty will be graciouſly pleaſed to permit your Biſhops to offer you ſuch Motives and Arguments as (we truſt) may, by God's Grace, be effectual to perſuade your Majeſty to return to the Communion of the Church of *England*, into whoſe moſt holy Catholick Faith you were Baptized, and in which you were Educated, and to which it is our daily earneſt Prayer to God, that you may be re-united.

Theſe, Sir, are the humble Advices, which out of Conſcience of the Duty we owe to God, to your Majeſty, and to our Country, We think fit at this time to offer to your Majeſty, as ſuitable to the preſent State of your Affairs, and moſt conducing to your Service; and ſo to leave them to your Princely Conſideration. And we heartily beſeech Almighty God, in whoſe hands the Hearts of all Kings are, ſo to diſpoſe and govern yours, that in all your Thoughts, Words and Works, you may ever ſeek his Honour and Glory, and ſtudy to preſerve the People committed to your Charge, in Wealth, Peace and Godlineſs, to your own both Temporal and Eternal Happineſs. *Amen.*

We do heartily concur, *W. Cant.*
Fran. Ely.
Jo. Cicester.
H. London. *Tho. Roffen.*
P. Winchester. *Tho. Bath & Wells.*
W. Asaph. *Tho. Petriburg.*

In compliance to the Biſhops Petition, the King thought fit on the 5th of the ſaid Month to diſſolve the ſaid Commiſſion for Cauſes Eccleſiaſtical, and ordered the Chancellor to cauſe the ſame forthwith to be done, and on the 12th having declared his Reſolution to preſerve the Church of *England* in all its Rights and Immunities, as a Token of his Sincerity therein, ordered that

Eccleſiaſtical Commiſſion diſſolved.

1688. that the Fellows of *Magdalen College* in *Oxford* ſhould be reſtored to their Properties again, and the Biſhop of *Winchester*, the Viſitor of the ſaid College, was to ſee the Regular Settlement thereof; which was done ſoon after, by re-inſtating Dr. *Hough* Preſident, and the Fellows in their reſpective Places.

Charter of *London* reſtored.

Now *Jefferys* the Lord Chancellor, who had been very inſtrumental to have Sentence pronounced againſt the Charter of the City in the Reign of King *Charles* II. *viz.* in the Year 1683, upon no other Reaſons than theſe two, which were deemed Crimes, that the City had made an Addreſs to the King for the ſitting of the Parliament, to redreſs Grievances. The ſecond was, That the City had raiſed Mony towards Repairing of *Cheapſide* Conduit, ruin'd by the Fire of *London*, he was forced (and that moſt juſtly) to carry back the ſaid Charter to *Guild-Hall*, in a very great Formality, and make a ſubmiſſive Reſignation of the ſame to the City, to the unexpreſſible Joy of the Beholders; and upon the 15th of this Month a Proclamation was iſſued forth, for reſtoring the Corporations to their ancient Charters, Liberties, Rights and Franchiſes, *&c.* and upon the ſame day the Perſon owned by the King for his Son, was Chriſtened; the Pope, repreſented by his Nuncio, being Godfather, and the Queen *Dowager* Godmother; and within two days after the King, that he might not be wanting in his Reſolutions, to provide for the Safety and Defence of his Territories, by publick Proclamation, required his Lieutenants and Deputy-Lieutenants, and all other Officers concerned, to cauſe the Coaſt to be ſtrictly Guarded, and upon the firſt approach of the Enemy, to cauſe all the Horſes, Oxen and Cattel, which might be fit for Draught, to be driven and removed 20 Miles at leaſt from the place where the Enemy attempted to Land.

After this the King, on the 22d of the ſaid Month commanded a particular Aſſembly of his Privy-Council to meet, and having ſent for all ſuch Peers of the Realm both Spiritual and Temporal, as were in Town, together with the Lord Mayor and Aldermen of the City of *London*, the Judges, and ſeveral of his Counſel Learned in the Law, delivered himſelf to this effect: That he had called them together upon a very extraordinary Occaſion, but that extraordinary Diſeaſes required extraordinary Remedies; That the malicious Endeavours of his Adverſaries had ſo poiſoned the Minds of ſome

King's Speech to the Privy Counſel, *&c.*

ls Subjects, that very many of them did not believe, 1688.
at the Son which God had bleſſed him was his, but a
pposed Child. However he could ſay, that by a par-
cular Providence, ſcarce ever any Prince was born
here there were ſo many Perſons preſent. That he
d taken that time to have the matter heard and ex-
ined, expecting that the Prince of *Orange*, with the
ſt Eaſterly Wind, would invade the Kingdom. And
erefore as he had often ventured his Life for the Nati-
before he came to the Crown, ſo he thought himſelf
re obliged to do the ſame being King, and did in-
nd to go againſt him in Perſon; by which, in regard
might be expoſed to various Accidents, he therefore
ught it neceſſary to have this done firſt, to ſatisfy his
bjects, and prevent the Kingdom being engaged in
od and Confuſion, after his Death. After which, Affidavits
Affidavits of ſeveral Ladies were produced, of which about the
ne ſwore, That they ſaw Milk upon her Majeſties pretend-
ock (for they did not mince the matter) others, that ed Prince
y ſaw the Midwife take the Child out of the Bed; of *Wales*.
ther, that ſhe ſtood by the Bed-ſide when her Ma-
y was Delivered; another Swore, that having had
honour to put on her Majeſties Smock, ſhe ſaw the
een's Milk; another depoſed, that ſhe ſaw the Queen
Labour and heard her cry out much; and another
re, that ſhe ſaw the Midwife give the Babe three
ps of the Blood of the Navel-ſtring, mixt with Black
rry-Water, with a great deal of other Circumſtances,
ch Modeſty will not permit me to ſet down in this
e.

Then the Affidavits of the Lords were produced, a-
g whom one ſwore, that he ſaw Mrs. *Labadie* carry
Child into another Room, whither he followed her,
ſaw the Child when ſhe firſt opened it, and ſaw it
Black and Reeking; another ſwore that he ſaw the
ld, and that it had the Marks of being New-born;
her ſwore that he heard the Queen make three
ans or Squeaks, and at the laſt of the three, the
en was delivered of a Child. The Doctors that at-
ed the Queen's Delivery, ſwore what was proper,
not fit to be Republiſhed, though the Depoſitions
n then were Printed at large, and what every parti-
Perſon depoſed, to which I refer my Reader, if
e ſuch as delights in ſuch Balderdaſh. After the De-
ions were read, the King delivered himſelf to the

Lords

1687. Lords and other Perſons then before him thus. *Although*, My Lords, *I did not queſtion, but that every Perſon here preſent was ſatisfied before, yet by what you have heard, you will be the better able to ſatisfy others*; beſides, ſaid he, *could I and the Queen have been thought ſo wicked as to endeavour to impoſe a Child upon the Nation.* The ſaw how impoſſible it ſhould have been; neither could he himſelf have been impoſed upon, having conſtantly been with the Queen during her being with Child, and the whole time of her Labour; and therefore there was none of them but would eaſily believe him who had ſuffered ſo much for Conſcience ſake, uncapable of ſo great a Villany, to the prejudice of his own Children. Laſtly, *He thanked God, That thoſe that knew him, knew well, that it was his Principle to do as he would be done by, and that he would rather die a Thouſand Deaths, than do the leaſt wrong to any of his Children.*

P. of *O.* imbarks for *England.* The Prince of *Orange* having now all things in readineſs, his Fleet conſiſting of 52 Men of War, beſides convenient number of Victualers, and Veſſels for the Tranſportation of the Land Forces; the Prince, Embarked on a Frigat of about 34 Guns, and had on Board with him Count *Naſſaw*, General of the Horſe, beſides other Perſons of Quality; and at the ſame time, the Count *de Stirum*, Count *de Solmes*, the Sieur *Benting*, the Sieur *Overkirk*, the Mareſchal *de Schomberg*, his Son Count *Charles*, went on Board other Frigats, and ſo the 26th of *October* ſet ſail from the Flats near the *Brill* with a Wind at South Weſt, and by South; and the next day coming in ſight of *Scheveling*, the Wind being a little more Weſtward, a terrible Storm aroſe, which continuing for two Days and Nights, they were forced to put into Harbour again; and ſuch was the Policy of the States, in order to make the Engliſh Court more remiſs in their Preparations, that the *Harlem* and *Amſterdam* Gazettes, were ordered to make a very great Enlargement of the dammage ſuſtained by the Fleet: that the Prince had loſt in the Hurrican Nine of his Men of War, and ſeveral other Veſſels; That 1000 his Horſe were drowned; That a Calenture was got among the Seamen; That Dr. *Burnet*, and ſeveral others of the Princes chief Miniſters were loſt, and the loſs was ſo great upon all Accounts, that it would be a thing next to impoſſibility, for the Prince to purſue his deſigns till the Spring; but the loſs in reality was very conſider-

nſiderable, for after the damage ſuſtained was repaired, 1688.
e Fleet ſet Sail again. On the 3d of *November*, be-
een ten and eleven of the Clock in the Morning, they
ear'd about half Seas over, at length they came in
ht of *Dover*, at what time the Prince had Intelligence
ought him, that the Engliſh Fleet being 34 Sail, lay at
e Buoy in the Nore, the Wind contrary, at E. N. E.
en the Prince Steering a Channel Courſe Weſtward,
e Wind at laſt coming North Eaſt, a very freſh Gale, P. of *O.* Lands in *England.*
the 5th of *November* (a day Chronicled by the Eng-
h before, for the Detection of the Gun-powder Trea-
) the Fleet came into *Torbay*, and Landed there
thout any oppoſition, the Prince was in the Ship
led the *Brill*, carrying a Flag with Engliſh Colours,
th this Motto, *The Proteſtant Religion and Liberties of*
gland; and underneath inſtead of *Dieu eſt Mon Droit*,
maintiendray, that is, *I will maintain it.* After the
ince's Landing, he in very good order directed his
rch towards *Exeter*, where at his firſt Arrival Capt.
k had poſted to liſt Soldiers in the Service of his
ghneſs, but the Mayor of that City had detained Mr.
k, and committed him to the Cuſtody of two Con-
bles; when the next Day the Lord *Mordant* and Dr.
net (now Biſhop of *Salisbury*) arrived with two
three Troops of Horſe, and commanding the Gates
be opened, ſet the Captain at liberty, and went to
Mayor and demanded of him whether he would
et the Prince at the City Gates, which the Mayor de-
d, as being under Obligation of an Oath to the King,
l therefore deſired, that the Prince ſhould lay no ſuch
mands upon him, in oppoſition to his Allegiance
l Conſcience; upon this they preſſed him no more,
ming the Mayor's Objections legal and reaſonable:
on *Friday* following, the Prince attended with his
rds entred the City, and took up his Quarters at the
an's Houſe, having before poſted his Troops in the
ſt advantagious Poſts in the adjacent Parts, and en-
ped his Foot upon *Cliſt* Heath. The Prince, ſome-
e after his arrival at *Exeter*, in a full Auditory, cauſ-
his firſt Declaration to be read, which was in ſub-
nce to vindicate the Religion and Liberties of *Eng-*
d from Popery and Arbitrary and Diſpenſing Power,
ly put up in the Nation, to aſſert the Succeſſion to
Crown, inquire into the Birth of the pretended
nce, and in ſhort to redreſs all other Irregularities in

1688. Eccleſiaſtical, Civil, and Military things, which were alledged to be very great, and the Nation in much danger of being ruined by them.

But to return to the King, whoſe Reſolutions (in this dangerous Conjuncture) ſeem'd very eager and firm to oppoſe the Prince in Perſon, in order thereto the Standing Army was diligently Muſtered upon *Hounſlow Heath*, and were ready to March where-ever commanded, to make Head againſt the Prince, neither was *Tyrconnel* in *Ireland* leſs ſolicitous in the behalf of the King his Maſter; for at the News of the Prince's deſign'd Landing he diſpatched away about 3000 of the faireſt and likeſt *Iriſh* for *England*. Now the King cauſed the Train of Artillery to be drawn out of the *Tower*, and to be put on Carriages, before prepared, to March before him.

King goes to the Army at *Saliſbury*.

On the 19th of *November*, about four in the Evening he arrived at *Salisbury*; and within a Mile of the City he was met by the Duke of *Berwick*, the Earl of *Feversham*, and other Commanders on Horſe-back, and was attended by the Mayor and Aldermen in their Formalities, and conducted to the Biſhop's Palace, which was to be his Lodgings during his ſtay there. Now being informed that ſeveral of the Nobility and Gentry were gone to the Aſſiſtance of the Prince of *Orange*, he iſſued out a Proclamation on the 20th of *November*, offering Pardon to all his Subjects that had taken up Arms under the Prince, if they returned in 26 Days, and ſurrendred themſelves to his Officers, Military and Civil, *&c.*

In the mean time the Prince lying at *Exeter* for ſome Days, was impatient of the Conjunction of ſuch Gentlemen as reſided near his Court, and could not chooſe but ſignify his Reſentment to the firſt that join'd him to that effect; That tho' he knew not all their Perſons, yet he had a Catalogue of their Names, and remembred the Character of their Worth and Intereſt in their Country; that they ſaw that he had not fail'd to comply with their Invitation, and perform that his Promiſe; that his Duty to God obliged him to protect the Proteſtant Religion, and his Love to Mankind, their Liberties and Properties; that he expected them that dwelt ſo near the place of his Landing, would have joined with him ſooner, not that it was then too late, or that he want'd their Military Aſſiſtance ſo much as their Countenance and Preſence, to juſtify his declared Pretenſions: How-

ever

, tho' he h[illegible]ought both a good Fleet and a good 1688.
y to render thoſe Kingdoms Happy, yet he relied
upon the Goodneſs of God, and the Juſtice of his
ſe, than any human Force or Power whatever: Yet
it pleaſed God that he ſhould make uſe of human
ns, and not expect Miracles, he admoniſhed them
to neglect this gracious Opportunity, but with Pru-
e and Courage to put in Execution their honoura-
Purpoſes, and ſo drawing to a Concluſion, he bid
heartily welcome to his Court and Camp, *&c.*

King receives ill News from all Parts.

he King had not been long at *Salisbury*, before he
informed of the Aſſociation at *Exeter*, and that his
iſh Forces were under a general Diſſatisfaction, as
being unwilling to engage in civil Bloodſhed, and
s ready to take the ſtrongeſt Side: And about this
the Lord *Cornbury* had carried off a conſiderable
of Horſe, to join his Enemy as was ſuppoſed, be-
ſeveral other Regiments of Foot had deſerted his
ce; and upon the Neck of this he was, to his Ad-
nal Sorrow, informed that the Lord *Delamere* have-
iſed a conſiderable Force, in Conjunction with ſe-
Gentlemen in the Country of *Nottingham*, had de-
d for the Prince, and that out of *Buckinghamſhire*,
Lord *Colcheſter* and Mr. *Wharton*, had with a ſtrong
arrived at his Highneſs's Camp; and much about
ame time the Lord *Lovelace* being on his way to
he Prince with a Party of Horſe, tho' he was ſur-
d at his Inn at *Cirenceſter* by the Militia, yet moſt
Men cut their way through, and got to the Prince's
; and ſoon after his Lordſhip was reſcued out of
ſter Priſon, where he had been ſent by a Gentle-
of that Country, who had taken up Arms on the
Account. But while the Meſſengers were thus ſpeak-
as it was in the caſe of *Job*) there came alſo others
ming his Majeſty (to the further Aggravation of his
w) that his Kingly Authority in the *North* alſo
one to Wreck, for the Earl of *Danby*, together
the Lord *Fairfax*, and ſeveral other Perſons of
ty, had ſeized upon the City of *York*, and had turn-
the Lord Mayor and ſuch others of the Magiſtrates
ere any ways affected to his Majeſty's Government.
after, an Account was ſent to his Majeſty of *Hull*'s
ſurprized by the Deputy-Governour, Colonel *Cop-*
hich was as ſurprizing, as the Loſs of the Place was
y ill Conſequence, for the Strength of the Town

1688. was very conſiderable, having a plentiful Magazi
the Citadel, both of Powder and all ſorts of Prov
together with a Train of Artillery, ready fired
drawn out into the Field. *Plymouth* alſo was ſeiz
the Earl of *Bath*, for the Prince, and at the ſame
all the Sea-Port Towns in *Cornwall* had declared for
Upon theſe unfortunate Relations, and upon the
Allarm that Count *Scombergh* was advanced with
or 20 Miles of him, with the Van-guard of the Pr
Army, he quickly left *Salisbury*, drawing off thoſe
he had there, and remanding the Train of Artiller
turned to *White-Hall*, where he arrived on the 2
November, in the Evening, and appointed Colon
ville Skelton, in the room of Sir *Edward Hales*, to be
tenant of the *Tower*; and according to what had be
ſired by the Lords Spiritual and Temporal, in thei
tition, ordered the Chancellor to iſſue out Writs fo
Summoning of a Parliament to ſit the 15th of *J*
following, and at the ſame time a Proclamation
publiſhed to give timely notice to thoſe who wer
ctors, or would ſtand for Candidates. Now it p
his Majeſty in further Compliance to the Biſhop
tion, to nominate the Biſhop of *Exeter* to be A
ſhop of *York*, who the day after the Ceremonies
Tranſlation (which was perform'd at *Lambeth*,
Grace the Lord Archbiſhop of *Canterbury*, aſſiſted
Biſhops of St. *Aſaph*, *Ely*, *Rocheſter*, and *Peterb*
did his Homage to the King.

King returns to *London*.

But before his Majeſty left *Salisbury*, he foun
Court no leſs out of Order than his Camp, as w
you a ſhort Relation of it, for before his return t
don, the Duke of *Grafton*, the Lord *Churchill*, and
more of the Nobility had deſerted, and were gone
Prince, as did alſo the day before his leaving the
Prince *George* of *Denmark*, the Duke of *Ormon*
Sir *George Hewet*. The Prince of *Denmark*, and th
Churchill, left each of them a Letter behind them,
ed for the King. The Prince in his, pleaded
could no longer diſguiſe his juſt Concern for th
gion, in which he had ſo happily been Educate
and which his Judgment, thoroughly convinced
be the beſt; for the Support of which he was ſo
intereſted in his Native Country, which *Engl*
now become by the moſt endearing Tie; to wh
Highneſs added, That while the reſtleſs Spirits

emies of the Reformed Religion, backed by the cruel 1688.
l and prevailing Power of *France*, juſtly allarmed and
ed the Proteſtant Princes of Chriſtendom, and en-
ed them in the Support of it: He could not Act ſo
enerous and mean a Part, as to deny his Concurrence
ſuch worthy Endeavours, for the diſabuſing of his
eſty by the Re-inforcement of thoſe Laws, and the
eſtabliſhment of that Government, on which alone
ended the well being of his Majeſty, and the Prote-
t Religion in *Europe*, which was the only irreſiſti-
Cauſe that would come in Competition with his
y, and Obligations to his Majeſty. The Lord
rchill excuſed himſelf alſo to the ſame effect, proteſt-
his Deſertion from his Majeſty proceeded from no
r Cauſe than the inviolable Dictates of Conſcience,
a high and neceſſary Concern for his Religion, with
ch, he was inſtructed, that nothing could come in
petition. And to add bad to worſe, his Majeſty
d that the Princeſs *Ann* of *Denmark*, his ſecond
ghter, had privately withdrawn her ſelf the Night
re his Arrival into Town: The Princeſs left a Let-
behind her, directed to the Queen, wherein her
al Highneſs begged her Majeſty's Pardon for being
eeply affected at the ſurprizing News of her Huſ-
d's being gone, as not to be able to ſee her, but to
ify to her by a Letter, that ſhe was not able to bear
King's Diſpleaſure, either againſt the Prince her Huſ-
d, or herſelf; and therein her Highneſs deplored her
ppy Condition, of being ſo divided between Duty
Affection to a Father and a Husband; and what was
expedient under ſuch unfortunate Circumſtances to
one in her Opinion was, *To follow the One to pre-*
the Other.

otwithſtanding all theſe fatal Deſertions, the unfor-
e King adviſes with ſome of his Adherents (which
but very few now, beſides thoſe of his own Per-
on) what Meaſures to take under ſuch imminent
ger, the Reſult of their Conſultations was, to ſend
e Prince, by that time advanced as far as *Hunger-*
certain Propoſals of Accommodation; and to make
nder of thoſe Propoſals, the Marqueſs of *Halifax*,
Earl of *Nottingham*, and the Lord *Godolphin*, were
inted by the King to be his Commiſſioners; who
ding to their Inſtructions attended the Prince at the
iid Place, and delivered him the following Propo-

1688.

SIR,

King's Propoſals to the Prince.

THE King commanded us to acquaint you, that he ſerveth all the Differences and Cauſes of Complaint, ledged by your Highneſs, ſeem to be referred to a Free diament.

His Majeſty, as he hath already declared, was reſ before this to call one, but thought that in the preſent of Affairs, it was adviſable to defer it till Things were compoſed; yet ſeeing that his People ſtill continue t it, he hath put forth his Proclamation in order to it, hath iſſued his Writs for the Calling of it.

And to prevent any Cauſe of Interruption in it, he conſent to every thing that can be reaſonably required fo Security of all thoſe that come to it.

His Majeſty hath therefore ſent us to attend your H neſs, for the adjuſting of all Matters that ſhall be agre be neceſſary to the Freedom of Elections, and the Secu Sitting; and is ready to enter immediately into a Trea order to it.

His Majeſty propoſeth, that in the mean time the elive Armies may be returned within ſuch Limits, ſuch diſtance from London, *as may prevent the Appr ſions that the Parliament may be in any kind diſturbed ing deſirous that meeting may be no longer delayed, it muſt be by the uſual and neceſſary Forms.*

Hungerford, Halifax.
Decemb. 8. Nottingh
1688. Godolphin

Prince's Anſwer.

"WE, with the Advice of the Lords and G
" men aſſembled with Us, have in An
" made the following Propoſals.

I. "That all Papiſts, and ſuch Perſons as are
" qualified by Law, be Diſarmed, Diſbanded, and
" moved from all Employments, Civil and Milita

II. "That all Proclamations that reflect on
" any that have come to us, be re-called. And
" any Perſons, for having aſſiſted us, have been
" mitted, that they be forthwith ſet at Liberty.

III. "That for the Security and Safety of the
" of *London*, the Cuſtody and Government of the
" be immediately put into the Hands of the ſaid

IV. "

IV. "That if his Majesty should think fit to be in *London*, during the sitting of the Parliament, that we may be there also, with an equal Number of our Guards: And if his Majesty shall be pleased to be in any place from *London*, whatever distance he thinks fit, that we may be at the same distance; and that the respective Armies be from *London* forty Miles, and that no further Force be brought into the Kingdom. 1688.

V. "And that, for the Security of the City of *London*, and their Trade, *Tilbury-Fort* be put into the Hands of the City.

VI. "That a sufficient part of the Publick Revenue be assign'd us, for the Support and Maintenance of our Troops, until the sitting of a *Free Parliament*.

VII. "That, to prevent the Landing of the *French*, or other Foreign Troops, *Portsmouth* may be put into such Hands as by his Majesty and Us shall be agreed on.

The King upon Consideration of these Proposals, ought them altogether unreasonable, and a thing inistent with the Honour of a Crown'd Head, to com so low; therefore he began to think of taking other sures, and in the first place he ordered the Queen her Infant, that she had fetched the day before, on 10th of *December*, to set out for *France*, which she about Seven in the Morning, having taken her so- Leave of his Majesty before, and crossing the es, she got into her Coach that waited for her on side of the Water; and so with the Child and a ler Attendance, made for *Dover*, and there took ping for *France*, where she soon after Landed, and a place of Residence appointed her from the *French*. On the same Evening his Majesty, in pursuance he Resolution he had taken to follow the Queen, an extraordinary Council, and sent for the Lord or of the City and the Sheriffs, who waiting upon his Majesty was pleased to charge them to take par- r care of the City, and omit nothing that lay in Power for the Preservation of the Peace and Tran- ty of the same. Then the Council was ordered to the next Morning, for to give their further Advice the Exigency of his Affairs, but contrary to most les Expectation, his Majesty took Barge about three a Clock

Queen goes for *France*.

King withdraws.

1688. Clock at Night, at the Privy-Stairs, and paſſing dow
the River, betook himſelf, accompanied only by two
three Perſons in a ſmall Veſſel, to Sea; but being for
by foul Weather upon the Coaſt of *Kent* near *Feverſh*
as ſoon as he arrived at that Town, his Royal Per
was ſeized upon by a Parcel of rough Fellows (who,
on Report that ſeveral Perſons endeavouring to m
their Eſcapes out of the Kingdom, made it their b
neſs to examine Strangers.) The King, after he wa
fled of his Gold and Jewels, with other rough Ut
highly unbecoming the Grandeur of his Quality, a
was known; then the rude Rabble began to relent,
in a moſt ſubmiſſive manner repenting of what Inſo
dies they had committed, made a Tender to reſtore a
what they had rudely taken from him, but his Majeſty
of his Kingly Generoſity, forgave them not only
Crime of their Ignorance, but alſo, receiving only
Jewels back, left the reſt of his Gold to them that
taken it from him.

London Mob up. In the mean while the Mob of the City of *Lon*
upon the News of the King's Departure, began (a
frequent in ſuch Revolutions) to aſſemble themſe
and fell in a furious Rage upon all the new erected
Houſes about the Town, pulling down, burning and
ſtroying all before them. At the ſame time ſeveral
lons and common Thieves mixing with the ha
Boys, committed ſeveral Depredations and Robb
eſpecially Roman Catholicks Houſes, and ſome A
ſadors Houſes did not eſcape their thieving Hands,
ſeveral of the Lords Spiritual and Temporal the
Town, ſoon cauſed this Inſolency to be quelled,
mitting the chief Authors thereof to *Newgate*.

Upon Notice of the King's being withdrawn,
Lords repaired to *Guild-Hall*, and having ſent for
nel *Skelton*, who was made Lieutenant of the *Tow*
the King (as aforeſaid) they demanded the Keys of
and committed the Charge of that important Pla
the Cuſtody of the Lord *Lucas*, the late Lieute

Lords Declaration at *Guild-Hall* to the Prince. Then the Lords conſidering the dangerous Conjun
of the Time, in regard of his Majeſty's withdra
himſelf, they drew up a Declaration to the Prince,
appointed the Earl of *Pembroke*, the Lord Viſcount
mouth, the Lord Biſhop of *Ely*, and the Lord *Colep*
to carry the ſame; which in Subſtance was,
"they did reaſonably hope, that the King having

ed out his Proclamation and Writs for Calling of a Free Parliament, they might have reſted ſecurely under the Expectation of that Meeting; but in regard his Majeſty had withdrawn himſelf, and as they apprehended, in order to depart out of the Kingdom, They therefore unanimouſly reſolved to apply themſelves to the Prince of *Orange*: And that they would with their utmoſt Endeavours aſſiſt his Highneſs, in the ſpeedy obtaining ſuch a Parliament wherein their Lives, Liberties, and Properties might be ſecured, and the Proteſtant Religion and Intereſt over the whole World, might be ſupported and encouraged. Sign'd, *&c.* 1688.

The foremention'd Lords having Adjourn'd from the y to *Whitehall*, and receiving Information of the gs being at *Feverſham*, they thought it convenient to certain Perſons there to attend him, and ſignify earneſt Deſires that he ſhould be pleaſed to return his Royal Palace at *London*. The King receiving the ſage, ſhewed ſome Reluctancy and Unwillingneſs at to return, but at laſt did, upon *Sunday* the 26th of mber in the Evening, arrived at *Whitehall*, attended veral of the Nobility, and a great Guard of Horſe, from hence he diſpatched away the Earl of *Fever*with a Letter to the Prince, who had on the 14th ved at *Windſor*, and had taken up his Lodgings in the rtment of the Prince of *Denmark*: The Contents of Majeſty's Letter was, that the Prince (if he thought fable) might come and take up his Reſidence at St, s's, and bring as many Troops as he thought conent or neceſſary with him. Upon communication his Letter to the Peers about the Prince, it was reved that his Highneſs ſhould with all convenient d advance towards *London*, but for ſeveral weighty ſons, it was deemed proper that the King might be ed to remove within ſome reaſonable diſtance from City, and in order thereto, the Lord Marqueſs of *Hal-*, the Earl of *Shrewsbury*, and the Lord *Delamere*, diſpatched to the King with a Paper ſigned by his hneſs, ſignifying, That it was very convenient, for the quiet of the City, and the ſafety of his Per, that he ſhould remove to *Ham*, where he ſhould ttended by his Guards, who would be ready to pre him from any Diſturbance. It was alſo ordered, the prevention of any Diſturbances that might hap that the Prince's Guards, commanded by Count

King returns from *Feverſham* to *London*.

King is required to withdraw from *Whitehall*.

1688. *Salms* ſhould be poſſeſs'd of all the Poſts about Whi
before the delivering of the Paper; which was accor
dingly performed, tho' the Guards could not reach L
before 10 a Clock at Night.

Their Lordſhips, after the Settlement of the Gua
ſent an Account to Secretary *Middleton*, that they h
Meſſage to the King from the Prince, and deſired
muttance to his Majeſty, which being notified to
King, now abed, and it being Twelve of the Cl
he ordered that they ſhould be admitted. The L
after a ſhort Apology made for their ſo unſeaſon
coming to him, delivered the Paper; and after the r
ing of it, his Majeſty return'd for Anſwer, *That he ſh*
readily comply with it; but upon ſecond Thoughts, w
they had taken their leave of him, he ſent for them
gain, and ſignified, that he had more deſire to retur
Rocheſter than any other place. The Prince indeed
ſent Monſieur *Zuleſtein* to meet him in his return f
Feverſham before, to deſire him to return to *Roche*
but the Meſſenger had miſſed him by taking anot
Road. The Lords, according to his Majeſty's deſire,
to the Prince for his Compliance to the King's Req
which was granted; for a Letter was ſent the next M
ing from *M. Bentink*, by the Prince's Order, ſignify
that his Majeſty might return to *Rocheſter*. Accordi
Guards and Barges being got ready to attend him
reached *Graveſend* that Evening, and from thence in
Royal Coach went for *Rocheſter*, and took up his R
dence at Sir *Richard Head*'s Houſe, and in the Aftern
of the ſame day the King had left *Whitehal*, the Pr
arrived at St. *James*'s, attended with *M. Schomberg*,
a great Train of Nobility and Gentry.

The whole Kingdom allarmed.

But here we are not to paſs by one no leſs remark
than obſcure Paſſage, that happen'd between the K
firſt withdrawing himſelf, and his return. On *Thur*
the 13th of *December* there was, about two or thre
the Morning, a general Alarm given, not only at
don, but alſo in the moſt conſiderable Cities and To
in *England*, and over all the Kingdom, that the *Ir*
a deſperate Rage, were killing, burning, and deſtro
all before them; which appeared to be carried on i
ſtriouſly by Perſons ſet on purpoſe to ſpread that falſe
larm. What the Deſign was, is ſtill in obſcurity;
through the goodneſs of God, the Effect was not
but that moſt People were upon their Guard, an

me Consternation till the day appeared; and about the same time the Lord Chancellor *Jeffreys* was discovered and apprehended in a Seaman's House in *Wapping*, garbed Seaman like, in order to make his Escape, and was committed to the *Tower*, where he died before he came to any Tryal. 1688.

But to return to the King, he after several days continuance at *Rochester*, withdrew himself totally out of the Kingdom; for on the 22d of *December*, he, accompanied only with Mr. *Ra. Sheldon*, and Mr. *Delabady*, took a back way, with a great deal of Secresy and Caution, to the Sea-side, and having arrived at *Dover*, there he Embarked, and soon after safely arrived in *France*, where he was kindly received by the *French* King. King retires to *France*.

His Majesty at his first withdrawing, sent this Letter to the Earl of *Feversham*.

My Lord,

THings being come to that Extremity, that I have been forced to send away the Queen, and my Son the Prince of Wales, that they might not fall into the Enemies Hands, which they must have done if they had staid. I am obliged to do the same thing, in hopes it will please God, out of his infinite Mercy unto this unhappy Nation, to touch their Hearts again with true Loyalty and Honour. If I could have relied on all my Troops, I might not have been put to the Extremity I now am in; and would at least have had one blow for it. But tho' I know there are many valiant and brave Men among you, both Officers and Soldiers, yet you know, that both you, and several of the General Officers and Soldiers, and Men of the Army, told me, it was no ways advisable for me to venture my self at their Head, or to think to fight the Prince of Orange *with them.* King's Letter to the E. of *Feversham*.

And now there remains only for me to thank you, and all those both Officers and Soldiers, who have stuck to me and been truly Loyal. I hope you still retain the same Fidelity to me; and tho I do not expect you shall expose your selves, by resisting a Foreign Army, and a poisoned Nation, yet I hope your former Principles are so inrooted in you, that you will keep your selves free from Associations, and such pernicious things. Time presseth, so that I can add no more.

JAMES Rex.

In

1688. In compliance to his Majesty's Letter, the Earl [illegible] handed 4000 Men, and transmitted an account thereof to the Prince; and the King at his last withdrawing left his Reasons behind him, which in my Opinion, cannot be read without some natural Passion, and Instances the volubility of Sublunary Things: They were Writ with his own Hand, and ordered by him to be published.

King's Reasons for withdrawing into *France*.

THE World cannot wonder at my withdrawing my self now this second time. I might have expected some better usage, after what I writ to the Prince of Orange, *my Lord* Feversham, *and the Instructions I gave him, instead of an Answer, such as I might have hoped for, was I to expect, after the Usage I received, by the making the said Earl a Prisoner, against the Practice and Law of Nations; the sending his own Guards at* 11 *at Night, to take Possession of the Posts at* Whitehall, *without advertising me in the least manner of it; the sending to me at one of the Clock at Midnight, when I was in Bed, a kind of Order, by three Lords, to be gone out of my Palace, before twelve the same Morning. After all this, how could I hope to be safe so long as I was in the Power of one who had not only done this to me, and Invaded my Kingdoms, without any just Occasion given him for it; but that did, by his own Declaration, lay the greatest Aspersion on me that Malice could invent, in that Clause of it which concerns my Son? I appeal to all that know me; nay, even to himself, that on their Consciences neither he, nor they, can believe me in the least capable of so unnatural a Villany, nor of so little common Sense, to be imposed on in a thing of such a Nature as that. What had I to expect from one, who by all Arts hath taken such Pains to make me appear as* Black as Hell *to my own People, as well as to all the World besides? What effect that hath had at home, all Mankind hath seen, by so general a Defection in the Army, as well as in the Nation, amongst all sorts of People.*

I was born free, and desire to continue so: And have ventured my Life very Frankly on several Occasions for the Good and Honour of my Country, and am as free to do it again, (and, which I hope I shall yet do, as old as I am, to redeem it from the Slavery it is like to fall under) yet I think it not convenient to expose my self to be so far as not to be at Liberty to effect it; and for that reason to withdraw, but so as to be within call, whensoever the Nation's Eyes shall be opened, so as to see how they have been imposed upon

this glorious Pretence of Liberty *and* Property. *I hope* 1688.
will please God to touch their Hearts, out of his infinite
Mercy, and to make them sensible of the Condition they are
in, and bring them to such a Temper, that a legal Parlia-
ment may be called, and that, amongst other things which
may be necessary to be done, they will agree to Liberty of
Conscience for all Protestant Dissenters, and that those of
our own Persuasion may be so far considered, and have such a
share of it, as they may live peaceably and quietly, as Eng-
lishmen and Christians ought to do, and not be obliged to
transplant themselves; which would be very grievous, especi-
ally to such who love their Country. And I appeal to all
men, who are considering Men, and have had Experience,
whether any thing can make this Nation so great and flouri-
shing as Liberty of Conscience. *Some of our Neighbours*
have read it.

I could add much more to confirm what I have said, but
now is not the proper time.

Rochester, *Dec.* 22. 1688.

After the King's departure, *viz.* on the 25th, several of the Lords Spiritual and Temporal assembling themselves at the House of Lords at *Westminster*, humbly proposed and desired his Highness the then Prince of *Orange*, to take upon him the Administration of Publick Affairs, &c. The next day divers Members of the Commons in the Reign of K. *Charles* II. together with the Aldermen and the Common-Council of the City of *London*, pursuant to his Highness's Desire, met at St. *James*, to whom the Prince made a Speech, importing, that their Advice was desired how to pursue the Ends of his Declaration, in calling of a Free Parliament, for the Preservation of the Protestant Religion, and the Restoration of the Rights and Privileges of the Kingdom, &c. His Highness desired the same of the Aldermen and the Common-Council of the City of *London*; and in regard their Number were like to be great, he desired them to chuse a convenient place for their Consultations; hereupon it was agreed to go to the House of *Commons* at *Westminster*, where being set, they chose *Henry Powel* Esquire their Chairman, and having entred into a Debate, the result of it was to send an Address to his Highness, wherein they thanked him for the Care he had taken of the Religion, Laws, and Liberties of the Kingdom, and desired

P. of O. desired to take the Administration upon him.

1688. red him to continue the Administration of the Gover-
ment, and issue out his Circular Letters for the calling
of a Convention to sit at *Westminster*, on the 22d
January then following: To this his Highness repli
That it being a matter of weight, he would consider of
and give his Answer the next day; which he did on t
28th to the Lords that attended him at St. *James*,
quainting them that he had considered of their Advice,
would concur with the same. King *James* now in *Fra*
having had notice of all these Proceedings, he thou
it Prudence, before the Meeting of the mention
Convention, to send the following Letter to the Lo
and others of his late Privy-Council, which runs thu

JAMES R.

My Lords,

King's Letter to the Privy Council, &c.

'WHen we saw that it was no longer safe for us
'remain within our Kingdom of *England*, a
'that thereupon we had taken our Resolutions to wi
'draw for some time; we left to be communicated
'you, and to all our Subjects the Reasons of our wi
'drawing, and were likewise resolved at the same t
'to leave such Orders behind us to you of our Pri
'Council, as might best suit with the present State
'Affairs; but that being altogether unsafe for us at t
'time, We now think fit to let you know, that tho
'has been our constant Care since our first Accession
'the Crown, to govern our People with that Justice a
'Moderation, as to give if possible, no occasion of Co
'plaint; yet more particularly upon the late Invasi
'seeing how the Design was laid, and fearing that
'People, who could not be destroyed but by themselv
'might by little imaginary Grievances be cheated int
'certain Ruin: To prevent so great Mischief, and
'take away not only all just Causes, but even Preten
'of Discontent, we freely and of our own Accord
'dressed all those things that were set forth as the G
'ses of that Invasion, and that we might be informed
'the Counsel and Advice of our Subjects themselv
'which way we might give them a further and full S
'tisfaction, we resolved to meet them in a Free Parli
'ment; and in order to it, we first laid the Founda
'on of such a Free Parliament in restoring the City
'*London*, and the rest of the Corporations to their an

ent Charters and Privileges, and afterwards actually appointed the Writs to be issued out for the Parliaments meeting on the 15th of *January*. But the Prince of *Orange* seeing all the ends of his Declaration answered, the People beginning to be undeceived, and returning apace to their ancient Duty and Allegiance, and well fore-seeing that if the Parliament should meet at the time appointed, such a Settlement in all probability would be made both in Church and State, as would totally defeat his ambitious and unjust Designs, resolved by all Means possible to prevent the Meeting of the Parliament; and to do this the most effectual way, he thought fit to lay a Restraint on Our Royal Person: For as it were absurd to call that a Free Parliament where there is any force on either of the Houses, so much less can that Parliament be said to act freely, where the Sovereign, by whose Authority they meet and sit, and from whose Royal Assent all their Acts receive their Life and Sanction, is under actual Confinement. The hurrying of us under a Guard from our City of *London*, whose returning Loyalty he could no longer trust, and the other Indignities we suffered in the Person of the Earl of *Feversham*, when sent to him by us, and in that barbarous Confinement of our own Person, we shall not here repeat, because they are, we doubt not, by this time very well known, and may, we hope, if enough considered and reflected upon, together with his other Violations and Breaches of the Laws and Liberties of *England*, which by this Invasion he pretended to restore, be sufficient to open the Eyes of all our Subjects, and let them plainly see what every one of them may expect, and what Treatment they will find from him, if at any time it may serve his Purpose, from whose Hands a Sovereign Prince, an Uncle, and a Father could meet with no better Entertainment. However, the Sense of these Indignities and the just Apprehensions of further Attempts against our Person, by them who already endeavoured to murther our Reputation by infamous Calumnies (as if we had been capable of supposing a Prince of *Wales*) which was incomparably more injurious than the destroying of our Person it self, together with a serious reflecting on a Saying of our Royal Father of Blessed Memory, when he was in the like Circumstances, that *There is but a little Distance between the Prisons and the Graves of Princes*, (which 1688.

1688. (which afterwards proved too true in his Case) could
not but perswade us to make use of that Right which
the Law of Nature gives to the meanest of our Subjects,
of freeing our selves by all means possible from that un-
just Confinement and Restraint. And this we did no
more for the Security of our own Person, than that
thereby we might be in a better Capacity of Transact-
ing and Providing for every thing that may contribute
to the Peace and Settlement of our Kingdoms: For
on the one hand no Change of Fortune shall ever make
us forget our selves so far as to condescend to any thing
unbecoming that High and Royal Station in which
God Almighty by Right of Succession has placed us,
on the other hand, neither the Provocation or Ingra-
titude of our own Subjects, nor any other Consideration
on whatsoever shall ever prevail with us to make the
least step contrary to the true Interest of the *English*
Nation, which we ever did, and ever must look upon
as our own. Our Will and Pleasure is, That you
our Privy-Council take the most effectual Care to make
these our gracious Intentions known to the Lords Spi-
ritual and Temporal in and about the Cities of *London*
and *Westminster*, to the Lord Mayor and Commons of
our City of *London*, and to all our Subjects in general;
and to assure them, that we desire nothing more than
to return and hold a Free Parliament, wherein we
may have the best Opportunity of undeceiving our
People, and shewing the Sincerity of those Protesta-
ons we have often made, of preserving the Liberties
and Properties of our Subjects and the Protestant Reli-
gion, more especially the Church of *England*, as the
Law established, with such Indulgence for those who
dissent from her, as we have always thought our selves
in Justice and Care of the general Welfare of our Peo-
ple bound to procure for them: And in the mean time
you of our Privy-Council (who can judge better
being upon the place) are to send us your Advice
what is fit to be done by us towards our returning and
the accomplishing these good Ends. And we do require
you in our Name, and by our Authority to endeavour
so to suppress all Tumults and Disorders, that the Na-
tion in general, and every one of our Subjects in par-
ticular, may receive the least Prejudice from the pre-
sent Distractions that is possible. So not doubting
your dutiful Obedience to these our Royal Command-

we bid you heartily farewel. Given at St. *Germans en Laye* the 4th *January* 168⅞, and of our Reign the fourth Year. 1688.

By His Majesty's Command,

Directed thus, MELFORT.

To the Lords and Others of our Privy-Council of our Kingdom of England.

Notwithstanding this Letter, the Convention meeting the day appointed the House of *Commons* soon agreed upon this Resolve, That King *James* the IId. having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and People, and by the Advice of Jesuits and other wicked Persons, having violated the Fundamental Laws, and withdrawn himself out of the Kingdom, hath abdicated the Government, and that the Throne is thereby vacant. This Resolve was carry'd up to the Lords for their Concurrence, to which their Lordships were pleas'd to concur with these Amendments, that instead of the word *Abdicated*, *Deserted* should be inserted, and the last Paragraph, *viz.* and *That the Throne is thereby vacant*, should be wholly left out. The House of *Commons* would in no wise admit of these Amendments, therefore they sent to the Lords to desire a Conference upon the Subject Matter of the said Amendments, which being agreed to by the Lords, a Committee was appointed to manage the Conference with them, who communicated to their Lordships the Reasons of the *Commons* in not concurring to their said Amendments: As to the first the word Deserted did not fully express the Conclusion necessarily inferred from the Premises which their Lordships had agreed, for they had agreed, that King *James* the II. had endeavoured to subvert the Constitutions of the Kingdom, by breaking the Original Contract between King and People, and had violated the Fundamental Laws, and withdrawn himself out of the Kingdom. Now the word Deserted (as the *Commons* argued) respected only the withdrawing, but the word Abdicated respected the whole, for which purpose the *Commons* made choice of it. Convention meet.

And

1688. And for the *Commons* not agreeing to the ſaid Amendmenet, to leave out the Words, *and the Throne is thereby vacant*: The Committee, according to their Inſtructions, inſiſted upon the following Reaſons. *Firſt*, Becauſe they conceived, that they might well infer from ſo much of their own Vote, as the Lordſhips had agreed unto, that King *James* the II. had Abdicated the Government, and that the Throne was thereby vacant, ſo that if they would admit their Lordſhips Amendment, that he hath only Deſerted the Government; yet, even thence it would follow, that the Throne was vacant, as to King *James* the II. Deſerting the Government, being in true Conſtruction, Deſerting the Throne. *Secondly*, The *Commons* conceived that they needed not to prove unto their Lordſhips, that to any other Perſon the Throne was alſo vacant; their Lordſhips having (as they conceived) already admitted it, by their Addreſſing to the Prince of *Orange* the 25th of *December* paſt, to take upon him the Adminiſtration of Publick Affairs, both Civil and Military, and to take into his care the Kingdom of *Ireland*, till the meeting of this Convention. In purſuance of ſuch Letters, and by their Lordſhips renewing the ſame Addreſs to his Highneſs (as to Publick Affairs and the Kingdom of *Ireland*) ſince they met, and by appointing Days of Publick Thankſgivings to be obſerved through the whole Kingdom; all which the *Commons* conceived to imply that it was their Lordſhips Opinion, that the Throne was vacant, and to ſignify ſo much to the People of the Kingdom. *Thirdly*, It is from thoſe who are upon the Throne of *England* (when there are any ſuch) from whom the People of *England* ought to receive Protection; and to whom, for that cauſe, they owe the Allegiance of Subjects; but there being none now from whom they expect Regal Protection, and to whom, for that cauſe, they owe the Allegiance of Subjects, the *Commons* conceived the Throne vacant.

Conference between the Lords and Commons about the Abdication.

On the other Hand the Earl of *Nottingham*, according to Mr. *Hamden*'s Report, ſpoke to this effect.

E. of *Nottingham*'s Speech.

"That the Lords had deſired this Conference with "the Commons, that they might be as happily United "to the Commons in Opinion, as they are inſeparable in their Intereſt; and that they are, at this time "uneaſy that they cannot Concur with the Commons "in every thing; becauſe it is of ſo great a Concern

to the Nation, and from ſo great and wiſe a Body. 1689.
at he then delivered what the Lords had done in Re-
ence to the Subject Matter of the laſt Conference,
ſaid, "That the Lords did inſiſt upon the firſt
Amendment of the Vote of the Houſe of the 25th of
January laſt, inſtead of the word *Abdicated*, to have
he word *Deſerted*.

Firſt, "Becauſe the Lords do not find, that the word
Abdicated is a word known to the Common Law of
England, and the Lords hope the Commons will a-
ree to make uſe of ſuch Words only, whereof the
Meaning may be underſtood according to Law, and
ot of ſuch as will be liable to doubtful Interpreta-
ions.

Secondly, "Becauſe in the moſt common Acceptation
f the Civil Law, *Abdication* is a Voluntary Expreſs
Act of *Renuntiation*, which is not in this Caſe, and
nd doth not follow from the Premiſes, *That King*
ames *the Second, by having With-drawn himſelf, after*
aving endeavoured to Subvert the Conſtitution of the Go-
vernment, by Breaking the Original Contract between King
nd People, and having Violated the Fundamental Laws,
ay be more properly ſaid to have *Abdicated*, than
Deſerted.

e ſaid the Lords did inſiſt on the ſecond Amendment,
ave out the words, *And the Throne is Vacant*, for
Reaſon.

For that although the Lords have agreed, that the
ing has *Deſerted* the Government, and therefore have
ade Application to the Prince of *Orange*, *To take*
on him the Adminiſtration of the Government, and
hereby to Provide for the Peace and Safety of the King-
m, yet there can be no other Inference drawn from
ence, but only that the Exerciſe of the Government,
y King *James* the Second is ceaſed; ſo as the Lords
ere, and are willing, to ſecure the Nation againſt
e Return of the ſaid King into this Kingdom; but
ot that there was either ſuch an *Abdication* by him,
r ſuch a *Vacancy in the Throne*, as that the Crown
as thereby become *Elective*, which they cannot a-
ree.

"*Becauſe, by the Conſtitution of the Government, the*
Monarchy is Hereditary, and not Elective.

"*Becauſe no Act of the King alone can Barr, or De-*
roy the Right of his Heirs to the Crown: and therefore in

1689. " *Answer to the third Reason alledg'd by the House of Com-*
" *mons, If the Throne be Vacant of King* James *the Seco-*
" *Allegiance is due to such Person as the Right of Succes-*
" *doth belong to.*

The Question being put that the House do agree w the Lords in the first Amendment.

It passed in the Negative.

The Question being put that the House do agree w the Lords in the said second Amendment.

The House divided. The Yea's go forth. The Te lers for the Yea's, Sir *Joseph Tredenham*, and Mr. Gr 151. The Tellers for the No's, Mr. *Colt*, and Mr. H *bert*. 282. And so it was Resolved in the Negative.

Resolved,

That a free Conference be desired with the Lords on the Subject Matter of the last Conference.

Ordered,

That it be Referred unto,

Sir *Robert Howard*.
Mr. *Polexfen*.
Mr. *Paul Foley*.
Mr. Serj. *Maynard*.
Mr. Serjeant *Holt*.
Lord *Faukland*.
Sir *George Treby*.
Mr. *Sommers*.
Mr. *Garraway*.
Mr. *Buscowen*.
Sir *Tho. Littleton*.
Mr. *Palmer*.
Mr. *Hamden*.
Sir *Henry Capel*.
Sir *Thomas Lee*.
Mr. *Secheveril*.
Major *Wildham*.
Colonel *Birch*.
Mr. *Ayres*.
Sir *Richard Temple*.
Sir *Henry Goodrick*.
Mr. *Waller*.
Sir *John Guyes*.

To manage the Conference.

Ordered,

That Mr. *Dolbin* do go up to the Lords, and desi Free Conference with the Lords upon the Subject ter of the last Conference.

Mr. *Dolbin* Reported, That he having (according the Order of this House) attended the Lords to desi Free Conference with their Lordships, upon the Su Matter of the last Conference, they had agreed to a Conference presently in the *Painted Chamber*. And Managers went to a Free Conference, at the Free ference in the *Painted Chamber*.

1689.

Mr. *Hamden's* Speech.

"MY Lords, the Commons have desired this Free Conference from your Lordships upon the Subject Matter of the last Conference, that they may make appear unto your Lordships that it is not without sufficient Reason, that they are Induced to Maintain their own Vote, to which your Lordships have made some Amendments; and that they cannot agree to those Amendments made by your Lordships for the same Reasons.

My Lords, the Commons do very readily agree with your Lordships, That it is a Matter of the greatest Concernment to the Kingdom in general, its future Peace, and happy Government, and the *Protestant* Interest, both at Home and Abroad, that there be a good Issue and Determination of the Business now in Debate between both Houses, and a speedy one as can consist with the Doing of it in the best manner. This way of Intercourse between both Houses by Free Conferences, where there is full Liberty of Objecting, Answering, and Replying, the Commons think the best Means to attain this End, and to Maintain a good Correspondence between both Houses, which is so necessary at all times, but more especially in the present Conjuncture; this, my Lords, will bring Honour and Strength to the Foundation that shall be laid after our late Convulsions, and discourage our Enemies from Attempting to Undermine it.

It is true, my Lords, the present Difference between your Lordships and the Commons is only about a few Words; but the Commons think their Words so Significant to the Purpose for which they are used, and so proper to the Case unto which they are applyed, that in so weighty a Matter as that now in Debate, they are by no means to be parted with.

The word *Abdicated*, the Commons conceive is of larger Signification than the word your Lordships are inclined to use *Deserted*; but not too large to be applyed to all the Recitals in the beginning of the Commons Vote, to which they meant it should be applyed. Nor do they think it to be Restrained to a Voluntary Express Resignation, only in Word or Writing, Over-Acts there are which will be significant enough to amount to it.

My Lords, that the Common Law of *England* is not acquainted with the Word, it is from the Modesty of the Law, that it is not willing to suppose there should be any unfortunate Occasion of making use of it: And

1689. we would have been willing that we ſhould never hav
had ſuch an Occaſion as we have to have Recourſe
it. Your Lordſhips next Amendment is, that yo
Lordſhips have left out the laſt Words in the Comm
Vote, *And that the Throne is thereby Vacant.*

My Lords, the Commons conceive it is a true Pr
poſition, and *That the Throne is Vacant*; and, they thin
they make it appear, that this is no new Phraſe; ne
ther is it a Phraſe that perhaps ſome of the old Reco
may be Strangers to; or not well acquainted with: B
they think it not chargeable with the Conſequence th
your Lordſhips have been pleaſed to draw from it, T
it will make the Crown of England *become Elective.* If t
Throne had been full, we know your Lordſhips wou
have aſſign'd that, as a Reaſon of your Diſagreemen
by telling us who filled it; and it would be known
ſome Publick Royal Act, which might notify to t
People in whom the Kingly Government reſided; ne
ther of which has been done; and yet your Lordſhi
will not allow the *Throne to be Vacant.*

My Lords, I am unwilling to detain your Lordſhi
longer, from what may be better ſaid for your Lordſh
Satisfaction in theſe Matters, by thoſe whoſe Provi
it is: I am to acquaint your Lordſhips, that the Co
mons do agree, it is an Affair of very great Importan
Here are other Gentlemen that are appointed to man
this Conference, and will give their Aſſiſtance to bri
it, we hope, to a happy Concluſion, in the Agreem
of both Houſes, in this ſo very a conſiderable Point.

Mr. *Somers.* My Lords, what is appointed me to ſpeak to, is y
Lordſhips firſt Amendment, by which the word *Ab*
cated, in the Commons Vote, is changed into the wo
Deſerted; and I am to acquaint your Lordſhips w
ſome of the Grounds are, that induced the Commons
inſiſt upon the word *Abdicated*, and not agree to y
Lordſhips Amendment. *Firſt*, The firſt Reaſon y
Lordſhips are pleaſed to deliver; for your chang
the words is, *That the word* Abdicated *your Lordſhip*
not find, is a word known to the Common Law of Engla
and therefore ought not to be Uſed: And the next is, T
the common Application of the Word amounts to a Vo
tary Expreſs Act of Renunciation which (your Lordſ
ſay) *is not in this Caſe, nor what will follow from the*
miſes.

My Lords, as to the first of these Reasons, if it be an Objection, that the word *Abdicated* hath not a known ence in the Common Law of *England*, there is the same Objection against the word *Deserted*; for there can be o Authority, or Book of Law produced, wherein any etermined Sence is given to the word *Deserted:* So that our Lordships first Reason hath the same Force against our own Amendment, as it hath against the Term used the Commons. The Words are both *Latin* Words, d used in the best Authors, and both of a known Sigfication; their Meaning is very well understood; ough it be true, their Meaning be not the same: The ord *Abdicate* doth naturally and properly signify *Entire- to Renounce, Throw off, Disown, Relinquish any Thing or rson, so as to have no further to do with it; and that whe- r it be done by Express Words, or in Writing,* (which is e Sence your Lordships put upon it, and which is pro- ly call'd *Resignation or Cession*) or, *by doing such Acts are Inconsistent with the Holding, or Retaining of the ing*; which the Commons take to be the present Case, d therefore made choice of the word *Abdicate*, as that ich they thought did, above all others, most proper- express that meaning: And in this latter Sence it is en by Others, and that it is the true Signification of Word, I shall shew your Lordships out of the best thors: The first I shall mention is *Grotius* de Jure lli & Pacis, L. 2. C. 4. S. 4. *Venit enim hoc non ex jure li, ex jure naturali, quo quisq; suum potest* abdicare, *& naturali Præsumptione qua voluisse, quis creditur, quod cienter significavit.* And then he goes on, *Recusari reditas non tantum verbis, sed etiam re potest, & quovis cio voluntatis.* Another Instance, which I shall men- n, to shew that for the *Abdicating* a Thing, it is suf- ent to do an Act which is Inconsistent with the Re- ing it, though there be nothing of an *Express Re- ciation*, is out of *Calvin's Lexicon Juridicum*, where lays, (*Generum* abdicat, *qui sponsam repudiat:*) *He Divorceth his Wife*, Abdicates *his Son-in-Law*. Here n *Abdication* without *Express Words*; but is by doing an Act as doth sufficiently signify his Purpose. The Author, that I shall Quote, is *Brisonius, de Verbo- significatione*, who hath this Passage, *Homo liber qui um vendit*, abdicat *se statu suo*; that is, *He who sells self, hath thereby done such an Act as cannot consist with former Estate of Freedom*; and is therefore properly

1689.

1689. ſaid, *ſe* abdicaſſe *ſtatu ſuo*. *Bulæus*, in his Comment
ries, *ad Legem ſecundam*, *de Origine Juris*. Expounds
Words in the ſame Sence, Abdicare *ſe Magiſtra*
idem quod abire pœnitus Magiſtratu: *He that goes o*
his Office of Magiſtracy, let it be in what manner he
has Abdicated *the Magiſtracy*. And *Grotius*, in his
de Jure Belli & Pacis, L. 1. C. 4. S. 9. ſeems to expo
the word *Abdicare*, by *manifeſte habere pro derelicto*: T
is, *That he who hath* Abdicated *any thing*, *hath ſo far*
linquiſhed it, *that he hath no Right of Return to it*. A
that is the Sence the Commons put upon the Wo
It is an *Entire Alienation of the Thing*; and ſo ſtands
Oppoſition to *Dicare*. *Dicat qui proprium aliquod*
abdicat *qui alienat*, ſo ſays *Pratejus* in his *Lexicon*
It is therefore inſiſted upon as the Proper Word by
Commons.

But the Word *Deſerted* (which is the Word uſed
the Amendment made by your Lordſhips) hath not o
ly a very doubtful Signification; but in the comm
Acceptance both of the Civil and Cannon Law, do
ſignify only a *Bare With-drawing*, a *Temporary Quitting*
a Thing, and *Neglect only*, *which leaveth the Party a*
berty of Returning to it again. *Deſertum pro Neglecto*,
Spigelius in his *Lexicon*. But the Difference betwe
Diſſerere and *Derelinquire*, is expreſly laid down by
tolus, upon the 8*th* Law of 58*th* Title of the 11*th* B
of the *Code*, and his Words are theſe, *Nota Diligenter*
hac Lege quod aliud eſt Agrum diſſerere, *aliud* derelinqui
qui enim derelinquit, *ipſum ex pœnitentia non revocat*;
qui deſeret, *intra biennium poteſt*. Whereby it appe
my Lords, that, that is called *Deſertion*, which is *T*
porary and Relievable: That is called *Dereliction*, wh
there is *no power of Right to return*.

So in the beſt *Latin* Authors, and in the *Civil L*
Deſerere Exercitum is uſed to ſignify, *Soldiers leaving t*
Colours, Cod. Lib. 12. S. 1. And in the *Canon Law*,
Deſert a Benefice, ſignifies no more than to be *Non-R*
dent; ſo is *Calvin's Lexicon*, *Verb.* Deſert, *ſecund. Can*

In both Caſes, the Party hath not only a *Right of*
turning; but is *Bound to return again*: Which, my Lo
as the Commons do not take to be the preſent Caſe,
they cannot think that your Lordſhips do; becauſe
expreſly ſaid, in One of your Reaſons given in Defe
of the laſt Amendment, *That your Lordſhips have be*
and are willing, to ſecure the Nation againſt the Return
K

King James; which your Lordſhips would not, in Juſtice, do, if you did look upon it no more than a *Negligent With-drawing*, which leaveth a *Liberty to the Party to Return*, 1689.

For which Reaſons, my Lords the Commons cannot agree to the Firſt Amendment, to inſert the Word *Deſerted* inſtead of *Abdicated*; becauſe it doth not, in any part, come up to their Senſe of the thing: So, they do apprehend, it doth not reach your Lordſhips Meaning, as it is expreſſed in your Reaſons; whereas they look upon the Word *Abdicated* to expreſs properly what is to be inferred from that Part of the Vote to which your Lordſhips have agreed, *That King* James *the Second by having about to Subvert the Conſtitution, and by Breaking the Original Contract between King and People and by Violating the Fundamental Laws, and Withdrawing himſelf out of the Kingdom*, hath thereby Renounced to be a King according to the Conſtitution, by avowing to Govern by a Deſpotick Power, unknown to the Conſtitution, and inconſiſtent with it; he hath renounced to be a King according to the Law, ſuch a King as he ſwore to be at the Coronation, ſuch a King to whom the Allegiance of an *Engliſh* Subject is due; and hath ſet up another kind of Dominion, which is to all Intents an *Abdication* or *Abandoning of the Legal Title*, as fully as if it had been done by expreſs Words.

And, my Lords, for theſe Reaſons the Commons do inſiſt upon the Word *Abdicated*, and cannot agree to the Word *Deſerted*.

My Lords, I am commanded, by the Commons, to aſſiſt in the Management of this Conference, and am to ſpeak to the ſame Point that the Gentleman did, who ſpoke laſt to your Lordſhips Firſt Amendment. As to the firſt of your Lordſhips Reaſons, for that Amendment, (with Submiſſion to your Lordſhips) I do conceive it not Sufficient to alter the Minds of the Commons; or to induce them to change the Word *Abdicated* for your Lordſhip's Word *Deſerted*. Sergeant *Holt*.

Your Lordſhips Reaſon is, *That it is not a Word that is known to the Common Law of* England. But, my Lords, the Queſtion is not ſo much, Whether it be a Word as Antient as the *Common Law*, (though it may be too) for that will be no Objection againſt the Uſing it, if it be a Word of a known and certain Signification; becauſe that we think, will Juſtify the Commons making uſe of

1689. it, according to your Lordſhips own Expreſſion. Th
it is an Antient Word appears by the Authors that ha
been Quoted, and its frequently met with in the beſt
Roman Writers, as *Cicero*, &c. And by the Deriva
from *Dico*, an Antient *Latin* Word. That now it i
known *Engliſh* Word, and of a known and certain
nification with us, I will Quote to your Lordſhips
Engliſh Authority, and that is the Dictionary ſet for
by our Countryman *Minſhaw*, who hath the Word *A*
dicate as an *Engliſh* Word, and ſays that it ſignifies
Renounce, which is the Signification the Commons wou
have of it: So that I hope your Lordſhips will not fi
Fault with their uſing a Word that is ſo Antient in
ſelf, and that hath ſuch certain Signification in our ow
Language. Then, my Lords, for that part of your Lor
ſhips Objection, *That it is not a Word known to the Co*
mon Law of England, that cannot prevail; for, yo
Lordſhips very well known, we have very few Words
our *Tongue* that are of equal Antiquity with the Co
mon Law; your Lordſhips know the Language of *E*
land is altered greatly in the ſeveral Succeſſions of Tim
and the Intermixture of other Nations; and if we ſhou
be Obliged to make uſe only of Words then known a
in uſe, what we ſhould deliver in ſuch a Dialect wou
be very Difficult to be Underſtood.

Your Lordſhips Second Reaſon, for your Firſt Amen
ment in changing the Word *Abdicated* for the Word *D*
ſerted is, *Becauſe in the moſt common Acceptation of the C*
vil Law Abdication *is a Voluntary Expreſs Act of* Renu
tiation. That is the general Acceptation of the Wor
and, I think, the Commons do ſo uſe the Word in th
Caſe, becauſe it hath that Signification: But I do n
know, whether your Lordſhips mean a Voluntary e
preſs Act, or formal Deed of *Renuntiation*: If you
ſo, I confeſs I know of none in this Caſe: But, m
Lords, both in the *Common Law* of *England*, and the
vil Law, and in common Underſtanding, there are E
preſs Acts of *Renuntiation* thas are not by Deed; for
your Lordſhips pleaſe to obſerve, the Government a
Magiſtracy is under a Truſt, and any Acting contrary
that Truſt, is a *Renouncing* of the Truſt, though it be n
a *Renouncing* by formal Deed; For it is a plain Decla
tion, by Act and Deed, though not in Writing, that h
who hath the Truſt, Acting contrary, is a Diſclaimer
the Truſt; eſpecially my Lords, if the Actings be ſu

are Inconsistent with, and Subversive of this Trust: 1689.
or, how can a Man in Reason, or Sense, express a greater *Renunciation* of a Trust, than by the Constant declarations of his Actions to be quite contrary to that Trust? This, my Lords, is so plain, both in Understanding and Practice, that I need do no more, but Repeat it again, and leave it with your Lordships, *That the doing an Act inconsistent with the Being and End of a Thing, that shall not Answer the End of that Thing, but quite the contrary, that shall be Construed an* Abdication *and Formal Renunciation of that Thing.*

Gentlemen, you of the Committee of the Commons, differ from you indeed about the Words *Abdicated* and *Deserted*; but the main Reason of the Change of the Word and Difference, is upon the Account of the Consequence drawn in the Conclusion of your Vote, *That the Throne is thereby Vacant*: that is, What the Commons mean by that Expression, whether you mean it is Vacant as to null the Succession in the Hereditary Line, and so all the *Heirs* to be cut off, which we say will make the Crown *Elective*? And it may be fit for us to settle the matter first, and when we know what the Consequence of *The Throne being Vacant* means in the Vote as you understand it, I believe we shall be much better able to settle the Difference about the Two Words. E. of *Nottingham.*

My Lords, when there is a present Defect of One to exercise the Administration of the Government, I conceive, the Declaring a Vacancy, and Provision of a Supply for it, can never make the Crown *Elective*. The Commons apprehend there is such a Defect now; and, in consequence a present Necessity for the Supply of the Government, and that will be next for your Lordships Consideration, and theirs afterwards. If the attempting the utter Destruction of the Subject, and Subvertion of the Constitution, be not as much an *Abdication* as the Attempting of a Father to Cut his Son's Throat, I know not what is. My Lords, the Constitution, notwithstanding the Vacancy, is the same; the Laws that are the Foundation and Rules of that Constitution are the same: If there be in any particular Instance, a Breach of the Constitution, that will be an *Abdication*; and that Abdication will infer a *Vacancy*. Sergeant *Maynard.*

It is not that the Commons do say, *the Crown of England is Absolutely and perpetually Elective*, but it is more necessary that there be a Supply when there is a Defect,

and

1689. and the Doing of that will be no Alteration of the *Monarchy* from a *Succeſſive One* to an *Elective*.

B. of *Ely*. Gentlemen, the Two Amendments made by the Lords, to the Vote of the Commons, are as to the W *Abdicated*, and as to the *Vacancy of the Throne*: T *Abdicated* may be Tacitly by ſome *Overt-Acts*, that G tleman, (I think I may Name him without Offenc Mr. *Sommers*, very truly did alledge out of *Grotius* But, I deſire to know, Whether *Grotius*, that great A thor, in Treating on this Subject, doth not interp this Caution, *If there be a Yielding to the Times: If t be a going away, with a Purpoſe of ſeeking to Recover w is, for the preſent, Left or Forſaken*: In plain *Engliſh*, *there were any thing of Force or juſt Fear in the Caſe, doth void the Notion of* Abdication: I ſpeak not of *Ma miniſtration* now, of that hereafter.

Sergeant *Maynard*. But, my *Lords*, that is not any Part of the Caſe clared by the Commons in this Vote, when the wh Kingdom, and the *Proteſtant* Religion, our Laws Liberties, have been in Danger of being Subver an Enquiry muſt be made into the Authors and Inſt ments of this Attempt; and if he, who had the *Ad niſtration* intruſted to him, be found the Author and tor in it, What can that be, but a *Renunciation* of *Truſt*, and conſequently his Place thereby *Vacant*?

My Lords,

Abdication (under Favour) is an *Engliſh Word*; your Lordſhips have told us, the true Signification o is a *Renunciation*. We have indeed, for your Lordſh Satisfaction, ſhewn its Meaning in Foreign Authors is more than a *Deſerting* the Government, or *Leavi* with a Purpoſe of Returning. But we are not, I ho to go to learn *Engliſh* from Foreign Authors, we without their Aid, tell the Meaning of our own Ton If Two of us make a mutual Agreement, to Help Defend each other from any One that ſhould Aſſaul in a Journey, and that he that is with me turns upon and breaks my Head, he hath, undoubtedly, *Abdica* my Aſſiſtance and Revoked.

B. of *Ely*. The Objection of the Lords againſt the Word *A cated*, is, *That it is of too large a Signification for the C Hand*. It ſeems to be acknowledged, that it reache great Way, and therefore the Lords would have a W made uſe of, which (by the Acknowledgment of t

Lea

arned Gentleman) ſignifieth only, *The Ceaſure of the* 1689.
ercise of a Right. If there be ſuch a Defect as hath
en Spoken of, it muſt be Supplied; there is no Que-
on of that. And I think we have, by another Vote,
clared, *That it is inconſiſtent with our Laws, Liberties,*
d Religion, to have a Papiſt to Rule over this Kingdom.
hich I take to be only as to the Actual Exerciſe and
dminiſtration of the Government.

It is *Grotius* his Diſtinction between a *Right*, and the
ercise of that Right; and, as there is a Natural Inca-
city for the Exerciſe, as Sickneſs, Lunacy, Infancy,
oating Old Age, or an Incurable Diſeaſe, rendring
e Party Unfit for Human Society, as *Leproſie*, or the
ke; ſo I take it, there is a Moral Incapacity; and, that,
conceive to be a full Irremoveable Perſwaſion in a falſe
eligion, contrary to the Doctrine of *Chriſtianity*. Then
ere muſt be a Proviſion, undoubtedly, made for Sup-
ying this Defect in the Exerciſe, and an Intermediate
overnment taken Care for; becauſe become neceſſary
r the ſupport of the Government, if he to whom the
ight of Succeſſion doth belong makes the Exerciſe of
s Government Unpracticable, and our Obedience to
m, Conſiſtently with the Conſtitution of our Religi-
n, Impoſſible; but that, I take it, doth not alter that
ight, nor is an *Abdication* of the Right.

Abdication, no doubt, is by Adaption, an *Engliſh*
ord; and well known to *Engliſh* Men converſant in
oks: Nor is it Objected, that it is not a Word as Anti-
t, and it may be more Antient than the Common Law
England; we find it in *Cicero*, and other old *Roman*
riters. But, as to *Cicero*, I would obſerve that there
a double Uſe of the Word; ſometimes it is mention-
with a Prepoſition, and then it ſignifies the *Renoun-*
g a Actual Exerciſe of a Right, as *Abdicare a Triumpho*:
d, ſometimes it hath the Accuſative Caſe following
and then it ſignifies the *Renouncing the very Right*, as
at which was mentioned, *Abdicare Magiſtratum*; ſo
at the Signification (as the Lords in their Reaſon) is
oubtful; And ſuch Words, we hope the *Commons* will
ot think fit to uſe in a Caſe of this Nature and Conſe-
ence, as ours now in Debate. And beſides, The
ords apprehend that great Inconveniences will follow
on the Uſe of this Word, if it mean a *Renouncing ab-*
olutely of the Right.

It

1689. It ſeems the *Commons* do not draw the Word *Abdi-*
cated from His Withdrawing himſelf out of the Kingdom;
for then *Deſerted* would (no Doubt) have Anſwered.
That *Abdication* is the ſame, whether a Man go out of
the Kingdom, or ſtay in it; for it is not to be eſteemed
according to the Place, but the Power. If a Man ſtay
in the Kingdom, this is *Abdicare*, with a Prepoſition
to *Abdicate the Exerciſe of the Government*, but not the
Right of Governing, according to the Conſtitution; and
to ſuch an *Abdication*, (if it be ſo declared) my Lords
I believe, may ſoon agree. Then, Gentlemen, there is
another Diſtinction in thoſe Authors that Writ concern-
ing this Point, which are chiefly the *Civilians*; there
may be an *Abdication* that may *Forfeit the Power of a King*
only; and there may be *One*, that may *Forfeit both the*
and the Crown too. It is a Diſtinction indeed in other
Words, but to the ſame Senſe: I will tell you preſently
why I uſe it.

Thoſe *Abdications* that are of *Power* only, are *Incapa-*
cities; whether thoſe I call Natural and Involuntary, as
Defects of Senſe, Age, or Body, or the like; or Moral
and Voluntary, as Contrariety in Religion; an In-
ſtance whereof there was lately in *Portugal*, which was
a *Forfeiture only of the Power*, and not of the *Name and*
Honour of a King; for though the *Adminiſtration* was
put into the Younger Brother's Hand, the Patents, and
other Publick Inſtruments ran in the Elder Brother's
Name. This is, without all Doubt, Naturally an *Ab-*
dication in the full Extent of the Word; nor do I here
(as I ſaid) conſider, whether that the King be gone out
of the Kingdom, or ſtay in it; but only, whether he
be fit for the *Adminiſtration*, which muſt be Provided
for, be he here, or gone away.

But the higheſt Inſtance of an *Abdication* is, when a
Prince is not only unable to execute his Power, but
Acts quite contrary to it; which will not be Anſwered
by ſo bare a Word as *Endeavour*. *I take theſe to be all the*
Diſtinctions of Abdications. Now, if this laſt Inſtance
of an *Abdication of both Power and Right*, take Place in a
Succeeding Monarchy, the Conſequence will be, *That*
there is a Forfeiture of the whole Right; and then that *He-*
reditary Succeſſion is cut off; which I believe is not in-
tended by the Commons: There is indeed one Inſtance
of the Uſe of ſuch an *Abdication* in *Monarchy*, and that
is, that of *Poland*; and ſuch an *Abdication* there make

1689.

he *Throne Vacant*; and those with, and in whom the ower is Invested of making Laws, (to wit, the Senate) ppoint one to fill it: But that, and whatever other In-ances of the like kind, these may be all of *Elective ingdoms*; for though some of them are, or may be in *ingdoms* now *Hereditary*, yet they were, in those times, *lective*, and since altered into *Hereditary Successions*.

But, here is One thing, that is mentioned in this Vote, hich I would have well considered, for the Preservati-n of the *Succession*, and that is the *Original Compact*: e must think sure that meant of the *Compact*, that was ade at the first Time, when the Government was first ſtituted, and the Conditions that each Party of the Go-rnment should observe on their Part, of which this as the most Fundamental, *That King, Lords, and Com-ons, in Parliament Assembled, should have the Power of aking New Laws, and altering of Old Ones*: And That ing one Law which settles the *Succession*; It is as much Part of the *Original Compact* as any: Then if such a *Case* ppens, as an *Abdication* in a *Successive Kingdom*, with-t Doubt, the *Compact* being made to the *King*, his *eirs*, and *Successors*, the *Deposition of the Crown* cannot ll to us till all the *Heirs* do *Abdicate* too. There are deed many Examples, and too many Interruptions in e *Lineal Succession* of the Crown of *England*: I think, can instance in Seven since the Conquest, wherein the *gh Heir* hath been put by: But that doth not follow, at every Breach of the First *Original Contract*, gives us ower to *Dispose* of the *Lineal Succession*; especially, I ink, since the Statutes of Queen *Elizabeth*, and King *mes* the first, that have Established the Oath of *Alle-ance* to the *King*, his *Heirs* and *Successors*, the Law is ronger against such a *Disposition*: I grant that from ing *William* the first, to King *Henry* the Eighth, there s been Seven Interruptions of the *Legal Line of Here-itary Succession*; but, I say, those Statutes are made since at time, and the making of New Laws being as much Part of the *Original Compact*, as the Observing Old nes, or any thing else, we are Obliged to pursue those ws, till altered by the *Legislative Power*, which singly, jointly, without the Royal Assent, I suppose, we do t pretend to; and these *Laws* being made since the st Interruption, we are not to go by any President that as made before the making those *Laws*. So that, all at I conceive, ought to be meant by our Vote is, *But a Set-*

1689. *a Setting aside the Perſon that Broke the Contract: And, a Succeſſive Kingdom, an* Abdication *can only be a Forfeiture, as to the Perſon himſelf.*

I hope, and am perſwaded, that both *Lords* and *Commons* do agree in this, *Not to break the Line of Succeſſion ſo as to make the Crown Elective:* And, if that be declared that this *Abdication* of King *James* the Second reached no farther than himſelf; and that it is to continue in the *Right Line of Succeſſion*, that I hope, will make all of One Mind, in this important Affair.

We cannot say Abdication ; & why then have we not been preserved.

E. of *Clarendon.* As I remember, Mr. *Sommers*, who ſpoke to the Signification of the Word *Abdicaced*, did Quote *Grotius*, *Calvin's Lexicon*, and other Civil Lawyers, where the Expreſs Words make it to be a *Voluntary Act*; and ſo are all the Inſtances that ever I Read or Heard of; that is, there either was ſome *Formal Deed of Renunciation*, or *Reſignation*; or ſome *Voluntary Act done of the Party's own*; and ſuch whereby they have ſhewn they did divest themſelves of the Royalties. I think truly, Gentlemen, it is very apparent that the King, in this Caſe, has done nothing of this Nature: It is indeed ſaid, by the learned and ingenious Gentleman, Mr. *Sommers*, That it may ariſe from the Facts, that in the Vote it has been declared he hath done, *breaking the Fundamental Laws and the Original Contract: and endeavouring to Subvert the Conſtitution of the Kingdom.* I will not diſcourſe the Particulars that have been alledged, to make out this Charge; But I may ſay this much in General, That this *Breaking the Original Contract*, is a Language that has not been long uſed in this Place; nor known in any of our *Law-Books*, or Publick Records: It is ſprung up but as taken from ſome late Authors, and thoſe none of the beſt received; and the very Phraſe might bear a great Debate, if that were now to be ſpoken to. Mr. *Sommers* did likewiſe ſpeak ſomething to the particular Caſe, as the Grounds of the Vote; he ſaid, *The King is Bound by Law, and bound to perform the Laws made, and to be made.* That is not denyed; I would take Notice, that his Obligation thereunto doth not proceed from his Coronation Oath; for our Law ſaith, *He is as much King before he is Crowned, as he is afterwards; And there is Natural Allegiance due to him from the Subjects immediately upon the Deſcent of the Crown upon him.* And though it be a very requiſite Ceremony, to put him under a further Obligation by the Conſcience of his Oath; yet I think

will not, nor can be denyed but that, as King, he was 1689.
ound to obſerve the *Laws* before; and no Body will
ake that Oath to be the *Original Contract*, as I ſuppoſe.
ut, my Lords and Gentlemen, if you do admit that it
as never intended, by the Houſe of *Commons*, to relate
y further than to this King himſelf, I believe my
n Opinion would concur to ſecure us againſt his Re-
rn to Govern us: But then, Why is there ſuch a Con-
ntion about a Word? Doth all this imply more than
eſertion?

But it is ſaid, that *Abdication* doth imply a *perfect Re-*
nciation, which I cannot ſee how it is in this Caſe, *ſo*
to leave us at Liberty to ſupply as we pleaſe, and break the
ine of Succeſſion. Mr. Sergeant *Maynard* ſays, *That it*
not indeed to make the Government perpetually Elective. I
ould know, what he means by *Perpetually*: Our Break-
g through the Line now, by a Choice out of the Li-
al Courſe, is an Alteration and a Preſident: And why
ay not others take the ſame Liberty we do? And,
Will not that make it *perpetually Elective?*

But truly, I think, no Act of ours can alter the *Line-*
Succeſſion; for, by all the Laws we have now in Being,
r Government appears to be *Hereditary* in a Right Line
Deſcent: And upon any Deſcent, when any one ceaſ-
h to be *King*, *Allegiance* is by Law due to the *Legal*
eirs, as well, before Coronation, as after. I was
great Hopes that you would have offer'd ſomething in
nſwer to One of my Lord's Reaſons againſt that part
the Vote, which declares, *The Throne to be Vacant.*
hat no Act of the King's alone can Bar or Deſtroy the Right
his Heir to the Crown, which is Hereditary, and not Elec-
ve. And then, if this matter goes no farther than
ing *James* the Second, in his own Perſon, How comes
e *Vacancy* and the *Supply* to be Devolved upon the Peo-
e? For if he only be ſet Aſide, then it is apparent,
hither the Crown is to go, to the Perſon that hath
e next *Right of Succeſſion*; and conſequently there is no
acancy.

Gentlemen, I would not Protract Time, which is
ow ſo neceſſary to be Husbanded; nor perplex Debates E. of *Not-*
bout any Affair like that which lies now before us, It *tingham.*
not a Queſtion barely about Words, but Things,
hich we are now Diſputing. The Word *Abdicated*, it
agreed by Mr. *Sommers*, is a Word of Art; and he
th told us what its Signification is, from thoſe that are
Skill-

1689. skilled in the Art to which it belongs: He doth acknowledge that it is no Law-word among *Engliſh* Lawyers nor known to the Common Law: But then he ſaith neither is the Word, uſed by the Lords, *Deſerted*.

I agree to him, that neither the One or the Other are Words uſed in our Law; but the Inference I would draw thence is this, That we have no words applicable to this Caſe; becauſe we never before had ſuch a Caſe; and we muſt not draw Inferences of Law in ſuch a Caſe that are not deducible from Rules well known in our Laws. I will not Diſpute what the Senſe of the word *Abdication* is in the *Civil Law*; but that it is a *Civil Law* Word, is agreed to by me; and if it be, for that Reaſon, I am againſt uſing of it; becauſe I am ſo much in Love with our own Laws, that I would uſe no Words in a Caſe that ſo much concerns our *Legal Conſtitution* but what are fetched from thence.

I hope I ſhall never ſee our old Laws altered; or if they be, *God* forbid; we ſhould be the Voluntary Agents in ſuch an Alteration. But, then we are told the Word *Deſerted* doth not reach our Caſe; becauſe the Signification of the Word is but a *Temporary Leaving*, or *Forſaking of his Power, which he may Reaſſume?* nay, *which in ſome Caſes there is a Duty upon him to Return unto.* If this were all, Mr. *Sommers* hath given himſelf an Anſwer to that Objection, out of what he alledges of the Lords Reaſons, who have declared that they are willing, *To ſecure the Nation againſt the Return of King* James *into this Kingdom; and will therefore concur with the Commons in any Act that ſhall be thought neceſſary to prevent ſuch his Return:* ſo that it ſhould ſeem we were agreed in the Matter; and if that were the Point we ſhould find Words proper, ſoon enough to expreſs our meaning by.

But, I find neither of theſe Words will, on the One Side or on the Other, be allowed to ſignify this Meaning; therefore we ſhould (as I take it) come preſently to think of ſome other that would. But, the Reaſons why my Lords did chiefly inſiſt upon the Alteration of the Word *Abdicated* was, *Becauſe they did apprehend, that it being a Word not Known to our Laws, there might be other Inferences drawn from it than they do apprehend our Laws will Warrant, from the Caſe, as it is ſtated in the Fact of this Vote; and, as they conceive, is done in the concluding of the Throne's being Vacant.* Therefore, I think it would ſhorten the preſent Debate, if we

ſett

e that Point first; and, as we frequently in Parlia- 1689.
ntary Proceedings, *Postpone* this, and that Paragraph
Bill, till some others that may be thought fit to be
ermined first, be agreed to, so we should *Postpone*
Debate about the word *Abdicate*, till the *Vacancy of*
Throne be Settled; for if we were sure that the
one were, or were not Vacant, we should easily light
n what Word were Proper to be used in this Case.
should therefore Propose, that we might Debate that
because if there be an *English* Word of known Sig-
ation in our Law, which should signify no more than
uncing for a Man's self; and which would not a-
unt to so much as *Setting aside the Right of Others*,
Word may be used; and, if no other, the Word
uncing it self may be taken, which would be best
ed to. *Acting against a Man's Trust* (says Mr. Ser-
t *Holt*) *is a Renunciation of that Trust.* I agree it is
iolation of his Trust to act contrary to it; and he is ac-
ntable for that *Violation*, to Answer what the Trust
rs out of his own Estate: But I deny it to be pre-
ly a *Renunciation* of the Trust, and that such a one is
onger a Trustee.

beg his Pardon, if I differ from him in Opinion,
om I acknowledge to have much more Learning in
Profession than I can pretend unto; but if the Law
as he says, in a *private Case*, then I must beg leave
orbear giving my Opinion in a Case of this *publick*
ure that is now before us, till I know what such a
t is, and what the Law says in such a Case. If in-
d, you do pretend *That the Throne is Vacant*, and
h Houses agree to that Conclusion; I think it will
no matter what Word is used about it: But, if we
not agree unto that Conclusion; I think it will be
wards easy to shew which is the fittest Word to be
d upon; or to agree on some other. I pray there-
e (to shorten the Debate) that you, Gentlemen, would
k to this Point first; and when that is Resolved, I
e we shall easily come to an Agreement about the
er.

think, my Lords, that we may not consent to begin Sir *George*
the End, and first to enquire of the Coucluſion, be- *Treby.*
e the Premises are settled: For the *Vacancy of the*
one follows, as an Inference drawn from the Acts of
King's, which are expressed most fully by the word
dication; and to enquire what the Consequence is,

1689. when the Fact is doubtful, from which the Conſequen
is to enſue, is beginning at the wrong end; till
ſtate the Fact, we can aſſign no Conſequence at al
it: Therefore, my Lords, I think the preſent Deba
to begin, where the Difference between the two Ho
doth begin, and that is at the word *Abdicated*; a
when that is over, we ſhall regularly come to the o
Point in Difference. We are gone back too far, wh
we offer to enquire into the *Original Contract*, Whet
any ſuch thing is known or underſtood in our Law
Conſtitution? or, Whether it be new Language am
us? And I offer this to your Lordſhips Conſideration
two Reaſons. *Firſt*, It is a Phraſe and Thing uſed
the learned Mr. *Hooker* in his Book of *Eccleſiaſtical Po*
whom I mention as a valuable Authority, being on
the beſt Men, the beſt Church-man, and the moſt lea
ed of our Nation in his Time, and his Works are w
worthily recommended by the Teſtimony of King *Ch*
the Firſt; he alloweth, *That Government did Origi*
begin by Compact and Agreements. But I have yet a gre
Authority than this, to influence this Matter, and t
is your Lordſhips own, who have agreed to all the Vo
but this word *Abdicated*, and *The Vacancy of the Thr*
And therefore ſo much is enough to be ſaid to that;
to go back to Debate what is not in Difference, is to c
found our ſelves, inſtead of endeavouring to com
Differences.

And truly, my Lords, by what is now propoſed
think, we are deſired to go as much too far forwa
when the *Vacancy of the Throne* is propoſed to be
Queſtion to be firſt Diſputed before the *Abdica*
from which it is inferred. But ſure I am, it is w
much beyond what the Vote before us doth lead us
to, *To talk of the Right of thoſe in the Succeſſion:* For
goes farther than the very laſt Part of the Vote; an
is ſtill to lead us yet farther, to ſay any thing ab
making the *Crown Elective:* For, I hope, when we co
to anſwer your Lordſhips Reaſons, we ſhall eaſily m
it out, that it is not in this Caſe; neither was there
Occaſion given by this Vote to infer any ſuch thi
We ſhall therefore, keep the Points as they are bot
Order of Place, in the Vote, and of Reaſon in
Thing; and, as we have done hitherto, to ſpeak to
words *Abdicated* and *Deſerted*, the words to be Diſpu
about in the firſt Place. Another Lord did give

Rea

ſon againſt the uſing the word *Abdicated*; *Becauſe it word belongs to the* Civil Law, and ſaid, *He would by means exchange our own* Engliſh *Common Law for that.* 1689.
ntirely concur with that Noble Lord in that Point; he did agree to us alſo, *That there is no ſuch word in Common Law as* Deſerted; that is, *which ſhould fig-, by the Stamp the Law puts upon it, any Sence applica-o the Matter in Hand.*

Then, if we muſt not uſe our Word, becauſe un-wn to our Common Law; neither muſt we uſe your dſhips for the ſame Reaſon, and ſo ſhall be at an intire what Word to uſe; and ſo, indeed, they may well e to conſider the Concluſion firſt, who leave us at certainties on what Terms we are to Diſcourſe; and e cannot be a greater Confuſion in any Debate, than ſtate a Concluſion without the Premiſes; which we ſt do, if we cannot agree how to word the Fact we r from. My Lords, I ſhall not much differ from at, in general, has been ſaid concerning the Sence of word *Abdicated*; for it ſeems to be agreed on all nds that it is a *Renunciation:* Neither, will I contend an *Involuntary Abdication*; becauſe I think it means a *untary Act:* But truly what your Lordſhips mean, in r Reaſon againſt it, by the word *Expreſs*, I cannot well underſtand. That a King may *Renounce* his King-, I think, may be made out both in Law and Fact, well as any other *Renunciation*; and that, as far as I diſcern, by your Lordſhips Reaſons, and this Day's bate hitherto, is not to be denyed by any: Indeed ne of my Lords have told us, *That there 'tis meant of Exerciſe of a Right which may be Renounced, without Re-ncing that Right.* Whether that be a true Diſtinction, no, is not very Material: But if it be, that the King-p it ſelf (ar including a Right to Govern) may be *Re-nced*, and hath been, it will be no Difficulty to make , by Inſtances in all Countries, not only where the own is, or was *Elective*; but alſo where it was *Here-ary* and *Succeſſive*. If a King will *Reſign* or *Renounce*, may do ſo, as particularly *Charles* the Fifth.

E. of *Pem-broke.* Sir *George Treby.*

That was an expreſs ſolemn *Renunciation.*

My Lords, the particular manner of Doing it, is (I e it) not Matter in Debate juſt now before us, till it ſettled, whether a King can *Abdicate* at all, or *Re-*, or *Renounce* his *Kingſhip* at all; this then being nted, *That a King may Renounce, may Reſign, may*

1689. *Part with his Office, as well as the Exerciſe of it*; then Queſtion indeed is, *Whether this King hath done ſo no?* That he may do it, I take it for granted, it be an Act of the Will: Then let us now enquire into Facts, as ſet out in the Vote, Whether this Will his be manifeſt? For that you have heard it may be covered ſeveral ways; the Diſcovery may be by Writ it may be by Words, it may be by Facts: *Grotius* h ſelf, and all Authors, that Treat of this Matter, and Nature of it, do agree, *That if there be any Word, or tion that doth ſufficiently manifeſt the Intention of the and Will, to part with his Office; that will amount t* Abdication, *or* Renouncing.

Now, my Lords, I beg leave to put this Caſe, had King *James* the II. come here into the Aſſembl Lords and Commons, and expreſſed himſelf in Writ or Words, to this Purpoſe, I was born an Heir to Crown of *England*, which is a Government limited Laws, made in full Parliament by King, Nobles, Commonalty; and upon the Death of my laſt Pr ceſſor, I am in Poſſeſſion of the Throne; and, no find, I cannot make Laws without the Conſent of Lords and Repreſentatives of the Commons in Pa ment; I cannot ſuſpend Laws that have been ſo m without the Conſent of my People; this indeed is Title of Kingſhip I hold by *Original Contract*, and Fundamental Conſtitutions of the Government, and Succeſſion to, and Poſſeſſion of the Crown; on t Terms is Part of that *Contract*; this Part of the *Con* I am weary of, I do Renounce it, I will not be obli to Obſerve it; nay, I am under an invincible Obl tion not to comply with it; I will not Execute Laws that have been made; nor ſuffer others to made, as my People ſhall deſire, for their Securit Religion, Liberty, and Property, which are the main Parts of this Kingly Office in this Nation. I ſuppoſe he had ſo expreſt himſelf, doubtleſs this been a plain *Renouncing* of that *Legal Regular Title* w came to him by Deſcent: If then he, by Partic Acts, ſuch as are enumerated in the Vote, has decl as much, or more than theſe Words can amount to, then he hath thereby declared his Will to *Renounc Government*: He hath, by theſe Acts mentioned, m feſtly declared that he will not Govern according to Laws made; nay, he cannot ſo do; for he is und

t Obligation, (yea the ſtricteſt) and ſuperior to that 1689.
he *Original Compact* between King and People, to
contrary to the Laws, or to ſuſpend them.
By the Law, he is to adminiſter Juſtice, and to exe-
his Office according to the Tenour of thoſe Laws;
, the Coronation Oath obligeth him likewiſe to con-
to ſuch Laws as the People ſhall chuſe: But on the
trary, by that unfortunate Perſuaſion (in Point of
igion) that he hath embraced, he is obliged to ſuſ-
d the Laws that defend the Eſtabliſhed Religion,
to Treat it, as it has been (as we well know) call-
as the *Northern Hereſy*; and, under Pain of Damna-
n to Extirpate it: And, in order to it, did ſet aſide
Repeal all the Legal Fences of it, without Conſent
Parliament. What the Endeavours and Practices of
t kind have been in the laſt Reign, I ſuppoſe, we
not now to be told of, or inſtructed in; and if (as
ery Plain) this doth amount to a manifeſt Declara-
n of his Will, no longer to Retain the Exerciſe of his
gly Office, thus Limitted, thus Reſtrained, then in
mon Sence, as well as legal Acceptation, he has ſuf-
ently declared his *Renouncing of the very Office:* As for
Departure out of the Kingdom, 'tis not material, whe-
r it was Voluntary or Involuntary; but it is ſuffici-
that his Actings declare, *quo Animo*, he went away;
no longer would purſue what he deſigned, and was
ſtrongly Obliged unto the contrary, by the Duty of
Office and Relation, and the Obligation of the *Ori-
al Contract*; as likewiſe his own Coronation Oath,
then he deſires no longer to be here. So that, take-
both theſe Things together, that he will not, nay,
cannot (as thus perſuaded in Point of Religion) Go-
n according to Law, and thereupon hath withdrawn
nſelf out of the Kingdom: It is a manifeſt Declara-
n of his Expreſs *Renouncing* and *Parting with his King-
Office:* And therefore I cannot depart from inſiſting
on this word *Abdicated*, which doth ſo well corre-
ond to the Fact of the Caſe, and ſo well expreſs the
e Meaning of the Commons in their Vote: Nor can
Conſent to the *Poſtponing* this Point, till the other
out *The Vacancy of the Throne*, be determined; for
is is the very Foundation upon which we are to pro-
ed, for Eſtabliſhing the Superſtructure of the other
nclusion.

1689. E. of *Nottingham.*

This Learned Gentleman that ſpoke laſt, ſays, *neceſſary to prefer the Premiſes before the Concluſion, ing the Foundation of the Superſtructure.* Truly, I hend that this word *Abdicated* was part of the *Concl* and not of the *Premiſes:* The Vote runs thus, *Th breaking the Original Contract, having endeavoured to vert the Conſtitution of the Kingdom, and having withd himſelf out of the Kingdom, he has Abdicated the Gov ment, and the Throne is thereby Vacant.* I take it to (as I ſay) part of the *Concluſion*, the other part be joined by a Copulative; therefore that which is but other part of the *Concluſion*, is not to be inferred fr the other part of the *Premiſes*. But take it to be (as ſay) that *The Vacancy of the Throne is another diſtinct cluſion from all that preceded, as the* Premiſes, *and th fore it is to be conſidered laſt*; I would then beg the vour of You, Gentlemen of the *Houſe of Commons*, anſwer me one Queſtion about this Point of *Abdica* Whether you mean by *Abdication* a Renouncing Himſelf, or for Himſelf and his Heirs.

If you mean only *Abdication* for Himſelf, it will h a different Influence upon the Debate and Reſolution the Caſe, as to the meaning of that You call the *Con ſion*; for then, *How can the Throne be Vacant?* B it be meant for Himſelf and his Heirs, then I app hend it is no more than what you ſay at the end, *T the Throne is indeed Vacant*; and then this *Abdication* not be part of the *Premiſes*, but muſt be the ſame Th with, or Part of the *Concluſion:* I will not under to diſpute, Whether a King of *England* may, or not, Renounce his Kingdom? For my own Part, think he can, and I may go ſo far in Agreement w thoſe that have ſpoken to this Point, *To yield that he do it by Implicit Acts, contrary to the Kingly Office.*

For a *King* to ſay, He will not Govern according Law; and for a *King* to Act wholly contrary to L and do that which would ſubvert the Conſtitution, (I think) the ſame thing. But then I muſt ſay a That I think there is a Difference between *Saying* and *Doing ſomething* inconſiſtent with what the Laws quire; for every Deviation from the Law is a kind Breach of the Fundamental Laws; for I know no L as Laws, but what are Fundamental Conſtitutions; the Laws are neceſſary, ſo far as to ſupport the Foun tion. But if every Tranſgreſſion or Violation of

L

w, by the Prince's Connivance or Command, were 1689.
h a Breach of the Fundamental Laws, as would infer
Abdication, then were it in vain to call any of his
iniſters or *Officers* to Account for any ſuch Action.
en the Action is the *King*'s, and not *Theirs*; and then
ieu to the Maxim of, *A King's not doing Wrong:* And
may have Recourſe to that other *Reſpondent Superior*,
more effectual Satisfaction.

I take this Matter to be ſo plain, as to the Diſtinctiı that I have mentioned, that nothing can be more; d it has been thought ſo eſſentially neceſſary to have clear and manifeſt, That thoſe two great Inſtances of dward the Second, and *Richard* the Second, were exeſs ſolemn Renunciations, and thoſe confirm'd in *Parıment* by the *Lords* and *Commons*, by the Act of Depong them. Therefore I cannot infer from the Facts umerated in the Vote, That this ſhould be an *Abdiion* for Himſelf and his Heirs.

But therefore, becauſe in this firſt Point it is diſputae, what is meant by a Word not of known Significatin in the Law; it might, I think, do well to conſider hat is to be inferred from it: And therefore all I have ow ſaid, is only to this purpoſe, That either both ake one *Concluſion*, or elſe the latter cannot be infered from the former.

I beg leave to ſay ſomething to what this Noble Lord Sir *George* as laſt ſpoke unto: When I call this Point of the *Va-Treby.* ncy of the Throne a *Concluſion*, I did not mean altogeher to exclude *Abdication* from being a *Concluſion* from he Particulars enumerated before; for indeed it is the Nature of a double *Concluſion*; one from the particular Facts mentioned, That thereby King *James* has *Abdiated* the *Government*. The other, from the *Abdication*, That thereby the *Throne is Vacant:* By the inſtanced Acts, he hath *Abdicated* the *Government*; and by his *Abdicating* the *Government*, the *Throne* is Vacant. As to he reſt of that which his Lordſhip is pleaſed to ſay, I perceive he does (as he muſt) agree to me, That a *King* may Renounce by Acts as well as Words, or Writings. But then, I would add, and agree with his Lordſhip alſo, That *God forbid every Violation of the Law, or Deviation from it, ſhould be reckon'd an Abdication of the Government.* I deſire to deliver my ſelf from the Imputation of any ſuch abſurd Conceit.

1689. When a King breaks the Law in ſome few partic
Inſtances, it may be ſufficient to take an Account
from thoſe Evil Miniſters that were inſtrumental in
why ſuch a thing was done, which was againſt La
Why ſuch a Law was not executed by them, whoſe D
it was to ſee it put in Execution? You may, in o
nary Caſes of breaking the Law, have Remedy in
ordinary Courts and Courſe of Juſtice. But ſure!
does not take this to be ſuch a Caſe, or theſe to be
dinary Violations of the Law; and therefore the
traordinary Remedy is to be recurred unto; for the Ki
having a limitted Authority, by which he was obli
to keep the Laws made, as to the executive Part of
Government, and to obſerve the Conſtitution for ma
ing ſuch new Laws as the People ſhould find neceſſa
and preſent him for his Conſent; when he doth *Viol*
not a particular Law, but all the Fundamentals; nor i
jure a particular Perſon in Religion, Liberty, or P
perty, but falls upon the whole Conſtitution it ſel
What doth all this ſpeak? He therein ſaith, *I will*
more keep within my limitted Authority, nor hold my Kin
Office upon ſuch Terms. This Title I had by the Origi
Contract between King *and* People; *I Renounce that, a*
will aſſume another Title to my ſelf; that is, ſuch a Ti
as by which I may Act as if there were no ſuch Law *to C*
cumſcribe my Authority. Where ſhall any Man come
have Redreſs in ſuch a Caſe as this, when the Malefac
comes to be Party, unto whom all Applications for R
lief and Redreſs from Injuries ſhould be made, and
he himſelf ſhall be a Judge of his own Breaches of La
This moſt apparently was the Caſe as to the *Quo Wa*
ranto's, which was a plain Deſign to ſubvert the Conſ
tution in the very Foundation of the *Legiſlature.* It
becauſe the King hath thus violated the Conſtitutio
by which the Law ſtands, as the Rule both of the Kin
Government, and the Peoples Obedience, that we ſa
He hath *Abdicated* and Renounced the Government; f
all other particular Breaches of the Law, the Subject m
have Remedy in the ordinary Courts of Juſtice, or t
extraordinary Court of Parliamentary Proceedings: B
were ſuch an Attempt as this is, made on the Eſſence
the Conſtitution, it is not We that have brought our ſelv
into this State of Nature, but Thoſe who have reduc
our Legal well-eſtabliſh'd Frame of Government in
ſuch a State of Confuſion, as we are now ſeeking a R
dreſs unto.

The *Lords* have given their Reaſons why they altered the Word *Abdicated*; becauſe it is a Word not known to the Common Law, and of doubtful Signification; Therefore it would be well if the *Commons* would pleaſe to expreſs their own Meaning by it. I believe my Lords would be induced to Agree, that the King hath *Abdicated*, that is, *Renounced the Government*, for himſelf. If you mean no further than that; and if You do ſo, Why ſhould You not be pleaſed to explain your ſelves, that every one may know how the Matter ſtands, and to preſerve a good Correſpondence between both Houſes, in ſuch a Juncture and Conjunction as this? But if you do mean any thing more by it, than *Abdication* for Himſelf only, tho' their Lordſhips ſhould agree to the uſing of the Word *Abdicated*; yet this would prove a greater Argument againſt their Agreeing in the Other Point, about the *Vacancy of the Throne?* Therefore, we would be glad to have you explain your ſelves, what you mean by it. *Then there was a little Pauſe.* 1689. E. of Rochester.

If the Lords have nothing further to offer upon this Point, it will be fit for Us to go on to the other Amendment, made by the Lords to Our Vote. Mr. *Hampden.*

No Lord *offering to ſpeak, the* Commons *proceeded to the Second Amendment.*

My Lords, As to your *Lordſhips* Second Amendment to the *Commons* Vote, (to wit, To leave out the Words, *And that the Throne is thereby Vacant*) the *Houſe of Commons* cannot agree with your Lordſhips to that Amendment; and they do conceive they have many and great Reaſons why they ſhould not do it. But, my Lords, They very much wonder, how it comes here to be laid upon Them (as it ſeems to be, by one of your Lordſhips Reaſons) That they, by uſing thoſe Words of *Abdication* and *Vacancy*, ſignify an Intention of making an Alteration of the Conſtitution of the Government. I would not miſrepreſent your Lordſhips Words, or miſrepreſent your Meaning: But you are pleaſed to ſay, *That you cannot agree to ſuch an Abdication of Vacancy, as that the Crown ſhould thereby become Elective:* As if the *Commons* had Thoughts of making the Kingdom Elective, when no ſuch thing was either meant by Them, or can be deduced from their Words, Mr. *Sacheverell.*

But,

1689. But, my Lords, One Reaſon why they differ from You is, They think (upon the nature of your Proceedings) they are in the Right, to inſiſt upon their Vote as they ſent it up to your Lordſhips: And they conceive as to all the Reaſons your Lordſhips have been pleaſed to give them for your Alterations, not One of them hath much Argument in them, as they might well expect.

The *Commons* Reaſon for their Diſagreeing to this Amendment, was, Becauſe they conceive (that, as they may well infer) from ſo much of their own Vote, as your Lordſhips have agreed unto, *That King* James *the Second hath Abdicated the Government, and that the Throne is thereby Vacant:* So if they ſhould admit your Lordſhips Amendments, *That he hath only Deſerted the Government*, yet, even thence would follow, *It's Vacant, as to King* James *the Second:* Deſerting the Government being, in true Conſtruction, *Deſerting the Throne.* Now, to this they do deſire, That your Lordſhips will conſider and ſee, Whether you give an Anſwer to this Reaſon; or rather, Whether you do not leave the Matter ſtill in the Dark, and (in Truth) leave the Nation in a perpetual ſtate of War? Your Lordſhips Anſwer to this, although you have agreed, that the King has *Deſerted* the Government, and therefore you have made Application to the Prince of *Orange, to take upon him the Adminiſtration of the Government, and thereby provide for the Safety and Peace of the Kingdom*; yet there can be no Inference drawn from thence, but only that the Exerciſe of the Government by King *James* the Second, was ceaſed, ſo as the Lords were and are willing *to ſecure the Nation againſt the Return of the ſaid King into this Kingdom*; but not that there was either ſuch an *Abdication* by him, or *Vacancy* in the Throne, as that the Crown thereby became Elective; to which they cannot agree. I deſire now to know of your Lordſhips, what Part of this Reaſon hath given an Anſwer to what the *Commons* ſay in their Firſt Reaſon; That they may very well conclude from their own Vote, as to what your Lordſhips have therein agreed to, That *the Throne is Vacant as to King* James *the Second*, Deſerting the Government, and *Deſerting the Throne*, being in true Conſtruction the ſame. Inſtead of anſwering this Reaſon, your Lordſhips come and apply it here, only to a bare *Giving over the Exerciſe of the Government by King* James. And, pray, my Lords, let us conſider where we are.

If the Caſe be ſo, then King *James* the Second, who 1689.
has only left the *Exerciſe*, continues in the *Office*, and is King ſtill; and then all the Actions that we have done in this *Convention*, are wholly (as we conceive) not Juſtifiable. You are in no Place or Station to relieve your ſelves, or the Nation, in this Exigence; unleſs you will think of ſetting up another Regency by your own Authority, without his Conſent; which, I conceive, by the Laws of *England*, you cannot do. What then follows upon all we have done? We have drawn the Nation into a Snare, by the Steps we have taken; and leave all in ſuch an Intricacy, as we have no Power, by Law, to deliver them out of; nor can we anſwer for what we have done, unleſs the King ſhould die, and that would leave the Succeſſion uncertain.

My Lords, I only apply my ſelf to conſider the Reaſons of your Lordſhips, for inſiſting upon this Second Amendment; becauſe, I conceive, your Lordſhips have therein given no Anſwer to the Reaſon firſt given by the *Commons*, why they cannot agree to your *Lordſhips* Amendment.

My Lords, your own Reaſons (under Favour) do Mr. *Pol-*
ſhew, That your Lordſhips do intend, that the King is *lexfen*,
ſtill in the Government? This, I think, is moſt apparent out of your own Reaſon. For when you have declared, *That the King hath Deſerted the Government*, and then ſay, No Inference can be drawn thence, but only, *That the Exerciſe of the Government by King* James *the Second was ceaſed*; then you do thereby ſtill ſay, That King *James* the Second is in the Government; for if only *the Exerciſe be Ceaſed*, the *Right* doth ſtill remain: Then, I am ſure, we have no Reaſon to Agree with your Lordſhips in that Point.

Next, my Lords, truly we cannot ſee how this thing that you would have can be inferred from your Vote, That *only the Exerciſe of the Government by King* James *is ceaſed*; ſince you do not ſay, that he Deſerted the Exerciſe of the Government. And if your Lordſhips had any purpoſe to expreſs your Meaning by a publick Vote, That *only the Exerciſe ceaſed*, ſurely your Lordſhips would have put in the Word *Exerciſe* there: But when in your Vote you ſay, *The Government was deſerted*, you cannot mean only the Exerciſe of it. And that it is the firſt Reaſon that the Commons give your Lordſhips why we cannot by any means admit of your Lordſhips Amendment, becauſe

Throne

1689. *Throne* and *Government* are in true Conſtruction the ſame; but the Exerciſe of the Government only (as you expreſs it) and the Government it ſelf, (if your Reaſon concludes right) are not the ſame. And we are to Reaſon from the Words expreſſed in the Vote.

Next my Lords, we ſay, It cannot be inferred from the Words, as they reſt in your Lordſhips Vote, that only the Exerciſe of the Government as to King *James* the Second, did ceaſe. For if we read that part about Deſerting the Government, with the reſt of the Particulars that go before, his endeavouring to Subvert the Conſtitution of the Kingdom, breaking the Original Contract, violating the Fundamental Laws, and withdrawing himſelf out of the Kingdom; then can any Man of Underſtanding think that this Deſerting of the Government can be any thing elſe but ſomewhat that is agreeable to all thoſe precedent Acts, which are not a ceaſing of the Exerciſe of the Government only, but a Deſtruction of the Government it ſelf.

But beſides, my Lords, under Favour, the Adminiſtration or Exerciſe of the Kingly Government is in Conſtruction and Conſideration of Law all one and the ſame. And, I think, no Body that would reaſon aright from thence can ſay there is any diſtinction between *Government* and the *Exerciſe of the Government*; for whoſoever takes from the King the *Exerciſe of the Government*, takes from the King his Kingſhip; for the Power and the Exerciſe of the Power are ſo joyned, that they cannot be ſevered. And the Terms themſelves (taking them as the Law of *England*, which we are to argue from this Caſe, teacheth them) are ſo co-incident, that they cannot either ſubſiſt without conſiſting together: If a Man grant to another the Government of ſuch a Place, this imports the Exerciſe of the Government there to be granted thereby.

As to the Iſlands belonging to this Crown and Dominion of *England* (as the Plantations abroad) if the King grants to any one the *Government* of *Jamaica*, or the like, ſure no one will ſay, that that is not a Grant of the Exerciſe of the Government there. So that wherever a Government is granted, the Exerciſe of that Government is meant and included, and therefore the ſuppoſed Diſtinction may be ſomething indeed, if they be only notionally conſidered; but it is a Notion altogether diſagreeing to the Law of *England*.

When your Lordſhips ſay in your Reaſons, That *the Exerciſe of the Government as to King* James *the Second is ceaſed*, which as far as you can go in this Point, the Commons can by no means agree to this Reaſon; for by the Words ſo uſed (*the Exerciſe ceaſed*) we apprehend, that you mean, the Kingſhip continueth ſtill in him, and that only the Exerciſe is gone. And if it be ſo, and it be utterly unlawful, and as great a Crime (as what Law ſaith it is not?) to make away from the King the Exerciſe of the Government, as to take from him the Government, then it may do well for your Lordſhips to conſider, whether you are not Guilty of the ſame Crime and Thing which you would decline by your Amendment. 1689.

The Commons therefore cannot admit, That there ſhould be a taking away of the Exerciſe of the Government from the King, any more than the taking away the Government which (we ſay) he hath himſelf given away by *Abdication*. And if King *James* be our King ſtill, we cannot by any Means agree to the keeping of him out of the Kingdom; for if it be his Right to be King ſtill, God forbid but that he ſhould enjoy it, and be admitted to the Exerciſe again.

Then, my Lords, for the Concluſion that your Lordſhips have added to your Reaſon (as making it from the very Words of your Vote) that is, *That it would infer ſuch a Vacancy in the Throne, as that the Crown ſhould thereby become Elective*; This, we conceive, is a concluſion, That hath no Premiſſes either from our Actions, or our Sayings, or our Votes, or any thing elſe in this Caſe; nay, it is quite varying from all the Premiſſes: But when ſuch a Concluſion can be ſhewn to follow from them, then it will be time enough for us to give our Anſwer to it.

But, my Lords, this is that we do inſiſt upon; That if the Right of Kingſhip be ſtill (after all that is agreed on both hands) due to him, we can not in Juſtice agree to keep him from it. And if it be not his due Right, but by theſe Acts his Subverſion of the Conſtitution, his breaking the original Contract, and Violation of the Fundamental Laws, he hath Abdicated it (as we ſay) and this Abdication hath put him by his Right, and ſo his Right is gone from him (as we conceive it is;) then, I think, we may lawfully go on to ſettle the Peace and Welfare of the Nation.

But

1689. But the Right to be ſtill in him to have a Regency upon him without his own Conſent, or till his Return, we take it to be a ſtrange and impracticable thing, and would be introductive of a new Principle of Government amongſt us. It would be ſetting up a Common-wealth inſtead of our ancient regulated Government, by a limitted Monarchy; then, I am ſure, we ſhould be juſtly blamed: And therefore we can by no means ſubmit to your Lordſhips Alterations of our Vote, upon any of the Grounds and Reaſons that have as yet been offer'd.

E. of *Clarendon.* As to what Mr. *P——n* hath offered, I deſire to obſerve a Word or Two, and that is from the Commons ſecond Reaſon for their diſagreeing to their Lordſhips Amendments.

You ſay there, That *the Commons do conceive they need not prove to your Lordſhips, that as to any other Perſon beſides King* James *the Throne is alſo Vacant:* Doth not this ſhew, that the meaning of the Vacancy is a Vacancy throughout, as well as with reſpect to King *James.* I aſk your Pardon if I do not declare my own Opinion about the Vacancy as to him; but all that I mention this for, is to know your Meaning in this Point, how far the Vacancy is to extend.

You ſaid before, That *He had Abdicated the Government, and thereby the Throne was Vacant.* How is it Vacant? Is it only as to King *James*, or is as to Him and all or any of his Poſterity, or any of thoſe that are in the Remainder in the Royal Line in Succeſſion? If it be as to them too, then it muſt neceſſarily follow, that the Kingdom muſt thereby become Elective ſtill, or the Government changed into a Common-wealth; neither of which, we hope, the Commons intended by it. And therefore that made me aſk before what a grave and learned Gentleman meant when he ſaid it ſhould not be perpetually Elective.

Sergeant *Maynard.* I am ſure, if we be left without a Government, as we find we are (why elſe have we deſired the Prince to take upon him the Adminiſtration?) ſure we muſt not be perpetually under Anarchy, the Word *Elective* is none of the Commons Word; neither is the making the Kingdom Elective the Thing they had in their Thoughts or Intentions; all they mean by this matter is to provide a Supply for this Defect in the Government, brought upon it by the late King's Male Adminiſtration. And I do ſay again, this Proviſion muſt be

made

made; and if it be, that would not make the Kingdom perpetually Elective? I ſtand not upon any Word, but for the Thing, that a Proviſion be made to ſupply the Defect. 1689.

Do your Lordſhips agree, That the Throne is Vacant as to King *James* the Second? If ſo, or if you will ſay it is full of any body elſe, and will name whom it is full of, it will then be time for the *Commons* to tell what to ſay to it. If your Lordſhips will pleaſe to ſhew that, we'll go on to give it an Anſwer. Mr. *Pollexfen.*

Your own Words in your Second Reaſon are, That *you need not prove to us, that it is to any other Perſon the Throne is alſo Vacant:* Then how ſhould we name who it is full of? Admit for Diſcourſe ſake, but we do not grant it, for my part, I do not. I ſay, taking it to be Vacant, as to King *James* the Second, then you aſk us, Who it ſhould be Supply'd by: Muſt it not be Supply'd by thoſe that ſhould have come if he were dead? E. of *Clarendon.*

For, I pray conſider, I take this Government, by all our Laws, to be Hereditary Monarchy, and is to go in ſucceſſion by Inheritance, in the Royal Line; if then you ſay this Government is Vacant, that would be to put all thoſe by that ſhould take the Succeſſion, and that will make the Kingdom Elective for that time.

You ſay, *The Throne is Vacant:* then I may very well aſk, Who hath the Right of filling up that Vacancy? We ſay, There is no Vacancy; if there is, pray is there any body that hath the Right of filling it up? Sergeant *Maynard.*

That is not the Queſtion before us; yet that will come properly in debate, when we are agreed upon the Vacancy. That Noble Lord ſays, *It is by our Law an Hereditary Monarchy.* I grant it, but though it ſhould in an ordinary way Deſcend to the Heir, yet as our Caſe is, we have a Maxim in Law as certain as any other, which ſtop the Courſe; for no Man can pretend to be King *James*'s Heir while he is living; *Nemo eſt hæres viventis.*

To that Point I think my Lord of *C----n* gave an Anſwer, 'That it ſhould go to the next in the Line that were to take it, if the King were dead: for as we ſhould be underſtood, we ſhould make it a Caſe of Demiſe of our Kings, as our Law calls it; that is, the King is dead in Law by this *Abdication* or *Deſertion* of the Government, and that the next Heir is to take by Deſcent. You, Gentlemen, aſk us who the Throne is full of; I think it is ſufficient to know that there are Heirs who E. of *Pembroke.*

are

1689. are to take the Lineal Succeſſion, though we do not c
cannor poſitively name the particular Perſon; and there
fore we may well conclude there is no Vacancy. Sup
poſe I ſhould be told ſuch a Gentleman is in ſuch a Room
and there I find him, and another Man with him, and
come out and tell you ſo, and aſk, *Which is he*, yo
may be doubtful which of the two is the Man, but ſur
the one of them is he; but becauſe you cannot tell which
it is, ſhall I conclude no ſuch one is there? If there b
a doubtful Title, (that is, dubious in whom the Titl
reſides, but a certain Title as to ſome one) and I can
not directly name him that hath the immediate Right
yet it is ſufficient to prevent the Vacancy, that there i
an Heir or Succeſſor, let him be who he will.

Sergeant *Maynard.* But your Lordſhips will neither agree it is Vacant
nor tell us how it is Full. King *James* is gone, w
hear or know of no other, What ſhall the Nation do i
this Uncertainty? When will you tell us who is King
if King *James* be not? Shall we everlaſtingly be in th
doubtful Condition?

E. of *Pembroke.* Sure Mr. Serjeant *M------d*, you will agree there i
One, and no more than One, to whom a Right do
belong of Succeeding, upon failure of King *James*. Ha
he no Heir known?

Sergeant *Maynard.* I ſay, No Man can be his Heir while he lives. If h
has any, it is *in Nubibus*, our Law knows none; an
What ſhall we do till he be dead? It cannot deſcen
till then.

E. of *Pembroke.* You agree, That notwithſtanding King *Charles* the Se
cond was abroad at his Father's Death, and did not ac
tually Exerciſe the Government, yet in Law, immedi
ately upon his Father's Deceaſe, he was not the le
Heir for that; nor was the Throne Vacant.

Sergeant *Maynard.* That is not like this Caſe neither, becauſe the De
cent was Legally immediate; but here can be no ſuc
thing during King *James*'s Life, as an Hereditary De
cent: So that either here muſt be an everlaſting W
entail'd upon us, his Title continuing, and we oppoſin
his return to the Exerciſe of the Government, or w
have no Government for want of a Legal Deſcent an
Succeſſion. Pray, my Lords, conſider the Condition
the Nation till there be a Government; no Law can
executed, no Debts can be compelled to be paid, no O
fences can be puniſhed, no one can tell what to do
obtain his Right, or defend himſelf from Wrong. Y
fi

ſay, *The Throne is not Void*, and yet you will not 1689.
us who Fills it: If once you will agree, That *the one is Vacant*, it will then come orderly in Debate, w it ſhould, according to our Law, be Filled.

The Objection (as I take it) that is made to theſe E. of *Not-*
ſons, the Lords have given for their inſiſting upon the *tingham.*
endments, is, *That we have not fully anſwered in them Reaſons given by the Commons for their not agreeing to e Amendments.*

ly Lords, We ſay you have not fully anſwered the Mr. *Sache-*
of our Reaſons. *verel.*

Gentlemen, I intend to ſtate the Objection ſo: That E. of *Not-*
Reaſon of yours I take to be this in effect, That our *tingham.*
rd (*Deſerted*) being applied to the Government, lies our Agreeing that the King hath Deſerted the one, thoſe two being in true conſtruction the ſame; then by our own Confeſſion, the Throne is Vacant to him.

To this you ſay, my Lords have given no Anſwer: Truly, hink it is a clear Anſwer, that the Word (*Deſerted*) may e another Senſe, and doth not neceſſarily imply *Renounc-* entirely of a Right, but a ceaſing of the Exerciſe. But n, if that does not Vacant the Throne as to him, the other aſon comes to be conſidered, How came you to deſire the nce of *Orange* to take the Adminiſtration upon him, l to take care of *Ireland* till the Convention, and to ite his Letters circularly for this Meeting? And to ew your Addreſs to the Prince, and to appoint a y of Publick Thankſgiving? In anſwer to that, my ds ſay, That tho' the King's *Deſerting* the Govern- nt (as they agree he has done) did imply the Throne be Vacant, yet they might juſtly do all thoſe Acts ntioned in the Commons Reaſons; becauſe if barely Exerciſe of the Government were *deſerted*, there uſt be a ſupply of that Exerciſe in ſome Perſon's tak- the Adminiſtration, and as none ſo fit, becauſe of Prince's Relation to the Crown (and his preſence re) to Addreſs unto about it, ſo none ſo proper to ke that Addreſs, as the Lords; for in the abſence of King, they are the King and Kingdoms great Coun- , and might have done it by themſelves, without the mmons; but being met in a full Repreſentative Body, y joyned with them.

Mr. *P——n* indeed has ſaid, *There is no diſtinction in between the Kingſhip and the Exerciſe of it.* And that

1689. *it is the same Crime, in consideration of Law, to take* *the Exercise, as to take away the Kingship.* I shall not dispute with that Learned Gentleman (whom I very much honour for his Knowledge in the Profession of the L what Offence either of them would be now, for we not discoursing concerning a Regency, how the Gove ment should be Administred, but we are barely upon the Question, Whether the Throne be Vacant, so that we may have another King. But if we should grant Vacancy as to the King himself, we are then told, next in Succession cannot take, because no one can Heir to one that is a live. Yet I think, the Answer ven by my Lords before is a very good one, That *the King be not dead Naturally, yet if* (as they infer) *is so Civilly, the next of course ought to come in as by Hereditary Succession*; for I know not any distinction betwe Successors in the case of a Natural Death, and those the Case of a Civil one.

For I would know if the next Heir should be set a in this Case, and you put in another, whether that K shall be King of *England* to him and his Heirs, and being once upon the Throne, the ancient Lineal Succession be altered: If that be so, then indeed it is suffi ently an Elective Kingdom, by taking from it the ri Heir. If it be not so, then I would ask, Whether t King as shall be put in, shall be King only during K *James*'s Life. That, I suppose for many Reasons, is your meaning, but, at least he must be made Ki during his own Life; and then if there be a Distinct made as to the Succession between a Natural and a C Death, if King *James* should die during the Life the New King, what would become of the Heredit Monarchy? Where must the Succession come in, w the next Heir to King *James* may not be next Heir the present Successor?

Therefore we must reduce all to this Point, which Lords have hinted at in their Reasons, Whether will not make the Kingdom Elective? for if you once make it Elective, I do not say that you are alw bound to go to Election, but it is enough to make it if by that President there be a Breach in the Heredi Succession, for I will be bold to say, you cannot m a stronger Tye to observe that kind of Succession, t what lieth upon you to preserve it in this Case. If are under an Obligation to it, it is part of the Consti

n. I desire any one to tell me what stronger Obliga- 1689.
n there can be; and that, I say, is Reason enough for
Lords to disagree to it, it bringing in the Danger of
reach upon the Constitution.

Next, Gentlemen, I would know of you, if the
rone be Vacant, whether we be obliged to fill it; if
be, we must fill it either by our old Laws, or by the
mour of those that are to chuse; if we Fill it by our
n old Laws, they declare, That it is an Hereditary
gdom, and we are to take the next to whom the Suc-
ion would belong, and then there would be no need
tanding upon a Vacancy. If we are to fill it accord-
to the Humour of the Times, and of those that are to
e the Choice, that diverts the course of Inheritance,
puts it into another Line: And I cannot see by what
thority we can do that, or change our Ancient Con-
tion, without committing the same Fault we have
upon the King.

These are the Objections against the Vacancy of the
one, which Occur to me; and We, Gentlemen, de-
a Satisfaction to them before we agree to the Va-
y. And, I think, the Answering them will lead
nto that which I take to be the main Point in Que-
n, Whether the Vacancy of the Thone, and Filling
ain will not, as my Lords say, endanger the turn-
this Hereditary Monarchy of ours into an Elective

y Lords, it seems very strange to us, that this Mr. *Sache-*
estion should be asked us, when we come to shew, *verel.*
t your Lordships Reasons for leaving out this part of
Vote are not satisfactory, neither do answer the Rea-
we gave for our not agreeing to your Lordships
endments: And it is much stranger that we should
sked, Whether this Vacancy extends to the Heirs,
n you will not tell us, whether it be Vacant as to
g *James* himself. You put it upon us to say, the
ution or Exercise of the Government is ceased; but
will not say the Throne is Vacant, so much as to
: And if it be not, what have we to do, to consi-
or debate, of any Consequence, whether it will in-
n Election or not? We desire of your Lordships that
ch we think is very proper; first, to know whether
Throne be Vacant at all: If it be, then our Propo-
n in the Conclusion of our Vote is true, That the
one is thereby Vacant. My Lords, I think we come

1689. here very much in vain, till this Point be ſettled: W
Satisfaction can it be to your Lordſhips, or Us, or
Nation, to know that ſuch things as are mentioned
the Votes have been done by King *James*, and that
has deſerted (as you ſay) the Government, if he
retain a Right to it, and your Lordſhips will not dec
he hath no Right, but amuſe the Kingdom with
doubtful Words of the *Exerciſe* (as to him) *Ca*
If that be all you mean, what need the Queſtion be
ed, how far it is vacant, for it ſhould ſeem it is not
cant at all.

E. of *Nottingham.* Will you pleaſe to ſuppoſe it Vacant as to King *Ja*
that is, that he hath no Right? Then let us go o
the next ſtep.

Mr. *Sacheverel.* That, my Lords, we cannot do, for all our Buſi
is to maintain our own, That the Throne is Vacant.

Mr. *Somers.* My Lords, your Lordſhips, as a Reaſon againſt
Word *Abdicate*, ſay, *It is not a Word known in our C*
mon Law, But the Word *Vacant*, about which we
now diſputing, cannot have that Objection made to
for we find it in our Records, and even applied in a
rallel Caſe to this of ours, in 1 *Hen.* IV, where it is
preſly made uſe of more than once, and there it doth
port what I think it doth import in this Vote of
Houſe of Commons, now in debate, and to require
further or other Explication of it than the Record gi
will be very hard and unreaſonable; for we are he
give the Commons Reaſons for maintaining their
Vote, and nothing elſe. If your Lordſhips pleaſe
look into the Record in that Caſe, there was firſt a
ſignation of the Crown and Government made and
ſcribed by King *Richard* the Second, and this is bro
into the Parliament, and there they take notice,
the *Sedes Regalis* (thoſe are the Words) *fuit va*
and the Reſignation being read both in Latin and F
liſh, in the Great Hall at *Weſtminſter*, where the Pa
ment was then aſſembled, it was accepted by the L
and Commons.

After that, it proceeds further; and there are Ar
exhibited againſt *Richard* the Second, and upon thoſe
ticles they went on to Sentence of Depoſition and D
vation, and then followeth the Words in the Rec
Et confeſſim ut conſtabat ex præmiſſis & eorum occaſione
num Angliæ cum pertinentiis ſuis vacare. Then *Henry*
Fourth riſeth up out of his place as Duke of *Lanc*

here he ſate before, and ſtanding ſo high, that he might well enough ſeen, makes this Claim to the Crown: e words in the Record are, *Dictum regnum Angliæ ſic premitur Vacans una cum Corona vendicat.* After that, e Record goeth on, That upon this Claim the Lords d Commons being asked, What they thought of it, ey unanimouſly conſented, and the Archbiſhop took m by the Hand, and led him *ad Sedem Regalem Præ-ſum*, &c. 1689.

Nay, and after all this, it is there taken notice of, d particularly obſerved that *prius Vacante ſede Regali*, the Leaſion and Depoſition aforeſaid all the Publick fficers ceaſed; there is care taken for *Henry* IV's taking e Royal Oath, and granting of new Commiſſions. My rds, the Commons do therefore apprehend, that with y good Reaſon and Authority they did in their Vote clare the Throne to be Vacant. But as to the going ther to enquire into the Conſequences of that, or at is to be done afterwards, is not our Commiſſion, o came here only to maintain their Expreſſions in ir Vote againſt your Lordſhips Amendments.

In a free Conference the Points in queſtion are free- and fully to be debated; and my Lords, in order to ir Agreement with the Commons, are to be ſatisfied at is meant, and how far it may extend. You, Gen-men, that are the Managers for the Houſe of Com-ns, it ſeems, come with a limited Commiſſion, and ll not enter into that Conſideration which (as our aſons expreſs) hath a great weight with my Lords, hether this Vote of the Commons will not make the narchy of *England*, which has always heretofore been reditary, to become Elective. That the Vacancy of e Throne will infer ſuch a Conſequence, to me ap-rs very plain: And I take it from the Argument that Gentleman uſed for the word *Vacant*, out of the cord of *Richard* the Second's Time, that is cited for reſident for that word. But as that is the only Preſi-nt, yet it is attended with this very Conſequence; it being there declared, That the Royal Seat was Va-nt, immediately did follow an Election of *Henry* the urth, who was not next in the Right Line; did not n this Hereditary Monarchy in this Inſtance become ective? When King *Charles* the Second died, I would n know, whether in our Law the Throne was Vacant. ſure, the next Heir was immediately in the Throne. E. of *Rochester.*

1689. And ſo it is in all Hereditary Succeſſive Governments. Indeed, in *Poland*, when the King dies, there is a Vacancy, becauſe there the Law knows no certain Succeſſor: So that the difference is plain, that where-ever the Monarchy is Hereditary, upon the Ceaſing of him in Poſſeſſion, the Throne is not Vacant; where it is Elective, 'tis Vacant.

E. of *Clarendon.* I would ſpeak one word to that Record which M. *S*-------*s* mentioned, and which the Lord that ſpake last hath given a plain Anſwer unto, by making that difference (which is the great Hinge of the Matter in debate between Hereditary and Elective Kingdoms. But I have ſomething elſe to ſay to that Record.

Firſt, It is plain in that Caſe, King *Richard* the Second had abſolutely reſigned, renounced, or (call it what you pleaſe) *Abdicated* in Writing under his own Hand. What is done then? After that, the Parliament being then ſitting, they did not think it ſufficient to go upon, becauſe that Writing might be the Effect of Fear, and ſo, not voluntary: Thereupon they proceed to a formal Depoſition upon Articles, and then come in the Claim of *Henry* the Fourth. After all this, Was not this an Election? He indeed ſaith, That he was not the next Heir, and claimed it by Deſcent form *Henry* the Third; yet he that was really the next Heir did not appear, which was the Earl of *March*; ſo that *Henry* the Fourth claimed it as indubitable Right, being the next Heir that then appeared.

But, Gentlemen, I pray conſider what followed upon it; All the Kings that were thus taken in (we ſay Elected, but the Election was not of God's Approbation) ſcarce paſſed any one Year in any of their Reigns without being diſturbed in the Poſſeſſion. Yet, I ſay, he himſelf did not care to owe the Crown to the Election, but claimed it as his Right. And it was a plausible Pretence, and kept Him and his Son (though not without interruption) upon the Throne. But in the Time of his Grandſon *Henry* the Sixth, there was an utter Overthrow of all his Title and Poſſeſſion too: For if you look into the Parliament Roll, 1 *Edward* IV. the Proceedings againſt King *Richard* the Second, as well as the reſt of the Acts during the Uſurpation (as that Record rightly call it) are annull'd, repeall'd, revok'd, reverſ'd, and all the words imaginable uſed and put in to ſet thoſe Proceedings aſide as illegal, unjuſt, and unrighteo

ghteous. And, pray what was the Reaſon? That *Act* 1689.
educeth down the Pedigree of the Royal Line, from *Henry* the Third to *Richard* the Second, who dy'd without Iſſue, and then *Henry* the Fourth (ſaith the Act) uſurped; but, That the Earl of *March*, upon the Death of *Richard* the Second, and conſequently *Edward* the Fourth from him, was undoubted King by Conſcience, by Nature, by Cuſtom, and by Law. The Record is to be ſeen at length, as well as that 1 *Henry* IV. and being a latter Act, is of more Authority.

And after all this, (I pray conſider it well) the Right Line is reſtored, and the Uſurpation condemned and repealed.

Beſides, Gentlemen, I hope you will take into your Conſideration, what will become of the Kingdom of *Scotland* if they ſhould differ from us in this Point, and go another way to work, then will that be a divided Kingdom from ours again. You cannot but remember how much Trouble it always gave our Anceſtors, while it continued a divided Kingdom; and if we ſhould go out of the Line, and invert the Succeſſion in any Point at all, I fear you will find a Diſagreement there, and then very dangerous Conſequences may enſue.

My Lords,

Sir *Robert Howard.*

The Proceedings and Expreſſions of the Houſe of Commons in this Vote are fully warranted by the Preſident that hath been cited, and are ſuch as wherein there has been no Interruption of the Government according to the Conſtitution. The late King hath, by your Lordſhips Conceſſion, done all thoſe things, which amount to an *Abdication* of the Government, and the Throne's being thereby Vacant: And had your Lordſhips concurred with us, the Kingdom had long e're this been ſettled, and every Body had peaceably followed their own Buſineſs. Nay, had your Lordſhips been pleaſed to expreſs your ſelves clearly, and not had a mind to ſpeak ambiguouſly of it, we had ſaved all this Trouble, and been at an end of Diſputing.

Truly, my Lords, this Record that hath been mentioned of *Henry* the Fourth, I will not ſay is not a Preſident of Election, for the Archbiſhop ſtood up, and looked round on all ſides, and asked the Lords and Commons, *Whether they would have him to be King?* And they aſſented, (as the Words of the Roll are) That *He ſhould Reign*

1689. *over them.* And ſo it is done at every Coronation. A to his Claim, they did not ſo much mind that, for th knew that he claimed by Deſcent and Inheritance, wh there was a known Perſon that had a Title befo him.

For, that which a Noble Lord ſpoke of touching t Publick Acts that have been done ſince the King left I may very well ſay, we think them legally done; a we do not doubt but that Power which brought in an ther Line then, upon the Vacancy of the Throne by t Leaſion of *Richard* the Second, is ſtill, according to t Conſtitution, reſiding in the Lords and Commons, a is legally ſufficient to ſupply the Vacancy that now That Noble Lord indeed ſaid, That your Lordſhips mig not only, with the Commons, adviſe the Prince of O *ange* to take upon him the Adminiſtration, and jo with us in the other things, but that you might ha done it of your ſelves, as being in the Abſence of t King, the Great Council of the Nation.

My Lords,

I ſhall not ſay much to that Point, your Lordſh Honours and Privileges are great, and your Counc very worthy of all Reverence and Reſpect. But I wo ask this Queſtion of any Noble Lord that is here, Wh ther, had there been an Heir, to whom the Crown h quietly deſcended in the Line of Succeſſion, and t Heir certainly known, your Lordſhips would have ſembled without his Calling, or would have either miniſter'd the Government your ſelves, or adviſed Prince of *Orange* to have taken it upon him? I do you had been (pardon me to ſay it) all guilty of Hi Treaſon, by the Laws of *England*, if a known Succe were in Poſſeſſion of the Throne, as he muſt be if Throne were not Vacant.

From thence, my Lords, your Lordſhips ſee where t Difficulty lies in this Matter, and whence it ariſeth, cauſe you would not agree the Throne to be Vac when we know of none that poſſeſs it. We know ſo ſuch thing hath been pretended to as an Heir Male, which there are different Opinions, and in the m time, we are without a Government; and, Muſt ſtay till the Truth of the Matter be found out? Wh ſhall we do to preſerve our Conſtitution, while we without a ſafe or legal Authority to Act under the ſa

cording to that Conſtitution, and in a little time it will, perhaps, through the diſtraction of our Conſtitution, be utterly irremediable? 1689.

I do not deny, but that your Lordſhips have very great Hardſhips to conflict with in ſuch a Caſe, but who is the occaſion of them? We all do know the Monarchy is Hereditary; but how, or what ſhall we do to find out the Succeſſor in the Right Line?

You think it will be a difficult thing to go upon the the Examination who is Heir; perhaps it will be more difficult to Reſolve in this Caſe, than it might be in another: For though heretofore there have been *Abdications* and *Vacancies*, it has been where the King has been of the ſame Religion of the Eſtabliſh'd Worſhip of the Nation; and amongſt thoſe that pretended to the Succeſſion, the ſeveral Claimers have been Perſons born and bred up in that Religion that was Eſtabliſh'd by Law; or it may be there hath been a Child in the Womb at the time of the Vacancy. But, then, my Lords, there would not be much difficulty to examine, Who ſhould Inherit, or what were fit to be done. I confeſs, I ſay, there are Difficulties of all ſides, or elſe your Lordſhips ſure would have ſpoke out before now: And if you had been clear in it your ſelves, you would have let the Commons and the World have known it. But it not being clear, muſt we always remain thus? Uſe what words you will, *Fill up*, or *Nominate*, or *Elect*, it is the thing we are to take care of, and it is high time it were done.

My Lords,

There is no ſuch Conſequence to be drawn from this Vote, as an Intention or a Likelihood of altering the Courſe of the Government, ſo as to make it Elective, the Throne hath all along deſcended, in an Hereditary Succeſſion, the main Conſtitution hath been preſerved. The Preſident of *Henry* the Fourth, is not like that of Elections in other Countries; and I am ſorry there ſhould be any occaſion for what is neceſſary to be done now. But when ſuch Difficulties are upon the Nation, that we cannot extricate our ſelves out of, as to the Lineal Succeſſor, your Lordſhips, I hope, will give us leave to remember, *Salus populi eſt Suprema Lex.* And if neither You nor We can do any thing in this Caſe, We, who are met under the Notion of an Aſſembly or Convention

1689. on of the States, then have met to no purpoſe; for after we have Voted our ſelves to be without a Government (which looks as if ſomething were really intended as to a Settlement) all preſently ſinks, and we are as much in the dark as we were before. And, my Lords, I pray give me leave to ſay one thing more: Your Lordſhips ſay, You will never make a Preſident of Election, or take upon you to Alter the Succeſſion. With your Lordſhips Favour, the Settlement of the Conſtitution is the main thing we are to look after. If you provide for the Supply of the Defect there, that Point of the Succeſſion will, without all queſtion, in the ſame Method, and at the ſame time be ſurely provided for.

But, my Lords, you will do well to conſider; Have not you your ſelves already limited the very Succeſſion and cut off ſome that might have a Line at Right? Have you not concurred with us in our Vote, *That it is inconſiſtent with our Religion and our Laws to have a Papiſt to Reign over us?* Muſt we not come then to an Election if the next Heir be a Papiſt? Nay, ſuppoſe there were no Proteſtant Heir at all to be found, would not your Lordſhips then break the Line? But your Lordſhips Vote that is ſo inconſiſtent, you do ſuppoſe a Caſe of the greateſt Conſequence that can be, may happen; and if that ſhould happen to be our Caſe, that the whole Proteſtant Line ſhould fail, would not that neceſſitate an Election, or elſe we muſt ſubmit to that which were inconſiſtent with our Religion and our Laws? If your Lordſhips then, in ſuch a Caſe, muſt break through the Succeſſion, I think the Nation has Reaſon to expect you ſhould take care to ſupply the preſent Defect, where the Succeſſion is uncertain.

My Lords,

If this ſhould not be agreed unto, what will be the Conſequence? We that uſed, and juſtly, to boaſt of living under the Beſt of Governments, muſt be left without any one; for your Lordſhips, it ſeems, cannot agree with us to Supply and Fill up this Gap in it, or tell us who is the Succeſſor: And we muſt not do it our ſelves by Election; which is the only way left us to provide for our Settlement. Truly, my Lords, upon the whole I cannot tell what Condition we ſhall be in, or what we can do further; but we muſt even part, and break up in Confuſion, and ſo leave the Nation to extricate it ſelf

elf, as well as it can, out of this Diſtraction. But 1689.
hen, at whoſe Door that will lye, I muſt leave to your
ordſhips own Thoughts.

We have indeed paſſed ſuch a Vote, as that Gentle- E. of *Pem-*
an ſays, againſt a *Popiſh* Prince's Reigning over us, *broke.*
ut I ſhould think that amounts to no more than a Reſo-
ution, that by a Law to be made we will take care of
in Parliament: Therefore I think that which we aim
, and that which the Conſtitution of our Government
oes require, is to put Things in a legal Method: And,
n order to it, I would have the Legal Succeſſor declared
nd proclaimed, and then a Parliament ſummoned in
hat Prince's Name, and the whole Matter ſettled there.
n Act made by a King *de facto* is void as to a King *de*
re; therefore I would have the Conſtitution preſerved,
nd would deſire, that all that is done in this Matter
ay be again done in Parliament.

Sir *R------H------d* was pleas'd to ſay, *That by the* E. of *Cla-*
me Method that the Throne now ſhall be Filled, by the ſame *rendon.*
e Succeſſor ſhould be Declared, and the Right Line Settled.
s not that declaring the Crown to be Elective? Sup-
oſe you ſay nothing, but Fill the Throne, Is it not to
ake away the Right Line of Inheritance? And, Will
ot ſuch Succeſſor claim it for his Poſterity? Truly, I
hink if the Right Line be Declared in the ſame way
hat the Succeſſor is, then we take upon us to diſpoſe of
he Inheritance of the Crown abſolutely; which, I
hink, by all the Law I ever read or could hear of a-
ong us, is out of our Power; and, that neither Houſe,
r both Houſes together, have Power to do any thing
elating to the Succeſſion, but by Act of Parliament;
hich the two Houſes by themſelves cannot make.

I think we are now going too far in this Matter; the Sir *R.*
Queſtion before us is only, *Whether there be a Vacancy in* *Temple.*
e Throne. After we have done with that, I do not ſee
ow this will preclude the Conſideration of any Claim
o the Succeſſion. Your Lordſhips ſay, *You are under*
reat Difficulties upon this Subject. But, my Lords, till
ou have declared the Throne Vacant, I muſt preſume
o ſay, I do not ſee how it is poſſible for any of us to
ake one ſtep towards a Settlement. If there be any
laims to the Crown, that Conſideration will be next;
nd how to come at them, I conceive we are in the ſame
apacity as our Predeceſſors were to provide for all Exi-
encies as ſhall emerge, and for the ſupplying all Defects
n the Government.

It

1689. It is true, by the Acts of Queen *Elizabeth* and King *James* the I, we have the Oaths of Supremacy and Allegiance that are to be, and have been taken by all Persons. But, my Lords, there is an old Oath of Fidelity that useth to be required in Leets, and that by the ancient Law of *England* every Man ought to take that is fifteen Years of Age; and this was as much obliging to the King, his Heirs and Successors, as any of those latter Oaths are, for they seem only to be made to exclude Foreign Authorities, and not to infer any new Obedience or Subjection; therefore I am only saying, we are in a Natural a Capacity as any of our Predecessors were to provide for a Remedy in such Exigencies as this.

I do not intend to trouble your Lordships any farther than the Words of the Vote lead me. If the Throne were Full, what do we do here; nay, how came we hither? I would fain know, whether all that is mentioned in one of our Reasons of the Administration being committed to the Prince, and those other Acts, do not all imply at least that we are in such a Case as *where the Throne is Vacant*, otherwise, if it had been Full, I appeal to any one, Whether we could have assembled or acted in any other Name, or by any other Authority than his that filled it. Then do not all these Things declare, that there is a Vacancy?

My Lords,

I have done, having said this, That it is a subsequent Consideration, how the Throne shall be filled, and all the Particulars that relate to it remain entire, after this Resolution taken. But, I think, we are at present to go no further. No Man, I hope, thinks there is a just Ground for any Apprehension of an Intention to change the Government; I am sure there is no Ground for any such Apprehension: So that we have all the Reason in the World to insist, That your Lordships should agree with us, that the Throne is Vacant, or we shall not be able to move one step further towards a Settlement.

My Lords,

Sir *Thomas Lee.* So much has been said in this Matter already, that very little is to be added. But give me leave to say unto your Lordships, That those Amendments your Lordships have made to the Commons Vote, are not agreeing with your other Votes, nor any of the Acts done since the

Abdication. Had it been in the common ordinary Caſe of a Vacancy by the King's Death, your Lordſhips in *December* laſt would ſure have let us know as much: But it is plain you were ſenſible we were without a Government, by your deſiring the Prince to take the Adminiſtration, and to iſſue out his Letters for this Convention. 1689.

But, my Lords, I would ask this Queſtion, Whether upon the Original Contract there were not a Power preſerved in the Nation to provide for its ſelf in ſuch Exigencies? That Contract was to ſettle the Conſtitution as to the Legiſlature which a Noble Lord in the beginning ſpoke of; ſo we take it to be: And it is true, that it is a part of the Contract, the making of Laws, and that thoſe Laws ſhould oblige all ſides when made; but yet ſo, as not to exclude this Original Conſtitution in all Governments that commence by Compact, that there ſhould be a Power in the States to make Proviſion in all Times, and upon all Occaſions, for extraordinary Caſes and Neceſſities, ſuch as Ours now is.

I ſay nothing now as to the Hereditary Succeſſion; our Government has been always taken to be Hereditary, and ſo declared when there has been occaſion to make Proviſion otherwiſe than in the direct Line. But our Matter is ſingly upon a Point of Fact, Whether the Throne be Vacant (as the Commons ſay it is) by the *Abdication* of King *James* the Second. The preſent Vacancy is neareſt to that of *Richard* the Second, of any that we meet with in our Records; and the Phraſe being there uſed, we inſiſt upon it as very proper. And when that is agreed unto, the Houſe will, no doubt, declare their Minds in another Conſequential Queſtion that ſhall riſe in a Proper way. But this is all we can ſpeak to now.

To diſcourſe, Whether the Crown of *England* would by this means become Elective, is altogether unneceſſary; and I think your Lordſhips have given no Reaſons that are ſufficient to make the Objection out, neither any Anſwers to the Commons Reaſons for their Vote. It ſeems to me an odd way of Reaſoning, firſt to miſtake the Meaning, and then give Reaſons againſt that miſtaken Meaning. The Queſtion is only here, Whether we can make good this Propoſition, *That the Throne is Vacant by the Abdication of the late King.* I confeſs, 'tis a melancholy thing to diſcourſe of the Miſcarriages of Go- Sir *G. Treby.*

1689. Governments, but 'tis much more afflictive to talk o unhinging all the Monarchy by a Breach upon the direc Line of the Succeſſion, as, if the Crown of *England* di actually deſcend to *Lewis* the Fourteenth, it would no be in the Power of the States of this Kingdom to di volve it upon another Head.

A Noble Lord put an Inſtance of two Men in on Room, one of whom was really ſuch a one: But thoug a Stander-by could not directly tell which was he, y it could not be ſaid by him, that ſuch a one was no there. But if you pleaſe, I will put this Caſe: Suppo there were two Men in one Room, that no one aliv could tell which was which; as ſuppoſe this to be th Caſe of the two Children of *Edward* the Fourth, th they had been kept cloſe Priſoners by their Uncle *Richa* the Third, ſo long, that there were no living Witneſſe able to tell which was the eldeſt of the two, that woul occaſion a Difficulty much as intricate as Ours her One of them muſt be eldeſt, but by reaſon of the Un certainty, muſt not an Election be made of them? An could any thing elſe do but an Election?

But I ſay, the proper ſingle Queſtion here is Whether we have well affirmed upon the Premiſe that are mentioned in the former Part of the Vote that he has *Abdicated*, and *That the Throne is there Vacant.*

Your Lordſhips in part agree; for you ſay, *He has De ſerted the Government*; then you ſay, *He is not in it.* An it is as much as to ſay, He has left the Kingdom deſtitut of a Government. Now, if there be any ſence in whic our Propoſition is true, will you deny the whole Propo ſition, becauſe it may be taken in a ſence that is dubi ous and uncertain, as to the Conſequences?

You cannot ſay the Throne is Full; if then there b a Doubt with you, to be ſure it is not like to be evi dent to us, eſpecially in this Caſe, conſidering who you Lordſhips are. You are the Perſons that uſually are, o ought to be preſent at the Delivery of our Queens, an the proper Witneſſes to the Birth of our Princes. then your Lordſhips had known who was on the Throne we ſhould certainly have heard his Name from you, an that had been the beſt Reaſon againſt the Vacancy a could have been given.

My Lords,

We say no more than our Ancestors have said before s, as you see by the Parliament-Roll, 1 *Henry* IV. and must maintain the Record to this purpose, that the overnment is Vacant, and it is there declared, as is expressed in our Vote: So that we have not invent- or coined a Word for our Turn, neither is the No- on new, it is a Word that has been used before in a ase as near this any can be. But it is objected, that hat should be no President, because of what follow'd pon that Vacancy of the Throne. I desire that your ordships would read the Record. The next thing there, *Henry* the Fourth cometh himself, and says, *He claim- the Crown as descended from* Henry *the Third, and the rds and Commons assented.* It is true, the Archbishop d propose him (as was usual at Coronations) and he d there actually ask them, *Whether they did chuse him their King*; they agreed to it, and the Archbishop kes a Discourse upon the Virtues of a Man to Go- rn the Nation better than a Child; and then he is ced in the Throne. And this I take to be a proper, in, applicable President in our Case. But that No- Lord's Objection strikes at the very Heart of it, if the Objection be rightly made, That all these Pro- dings, and so consequently the Words and Phrases re used, are all repealed, 1 *Edw.* 4.

My Lords,

It is very well known, and readily agreed by us, that *ward* the Fourth came in in disaffirmance of the Ti- of the House of *Lancaster*. As those Times went, enever there was any Turn in Government, (as there re several) there were new and contrary Decla- ions about the Title to the Crown, made constantly Parliament; and what one Parliament had settled, ther undid. But then this Advantage we have on side, that as we have this first President for us, so have the last; for I need go no farther than the Par- ment Roll of 1 *Henry* VII. 12. 16. where the Record et right again.

The Act for Deposing *Richard* the Second is indeed 1 *Edward* IV. Repealed, and saith, That *Henry* the urth usurped the Crown, and murder'd *Richard* the ond; and thereupon it proceeds to Attaint *Henry* the Sixth,

1689. Sixth. But then comes in *Henry* the Seventh, and 1 *Henry* VII. there is an Act made, that ſets aſide all the Acts and Attainders made againſt his Line, and conſequently repealed 1 *Edward* IV. which Repealed 1 *Henry* IV. And I would obſerve one thing by the way concerning *Henry* the Seventh: He was of the Line of *Lancaſter*, and when he came to the Crown, would not endure to have his Crown reckoned only Matrimonial, or ſuffer the Stile to go in the Names of *Henry* and *Elizabeth*, as he muſt have done if he had ſtuck to the Title of the Right Line of Succeſſion: No, he always ſtood up for his own Title, tho he had the Heireſs of the Houſe of *York* in his Boſom. Therefore, my Lords, his Act for reſtoring the Record of 1 *Henry* IV. again, is as good an Authority as it was before, and ſomewhat better; for it hath the laſt Act on its ſide, which is unrepealed to this day.

E. of *Pembroke.* *Henry* the Seventh had a good Right and Title by Marriage to the Crown, *in re Uxoris.* No one can queſtion but his own Title, as deſcended from *Henry* the Fourth, was an Uſurpation; and he would not ſuffer any one to preſcribe which Title was beſt, as long as it was acknowledg'd he had one good one. That this Kingdom is Hereditary we are not to prove by Preſidents in the Liſt of our Kings and Queens; for we ſhall ſcarce find above three in any direct Line, without ſome Interruption; and therefore we are not to fetch our Preſidents or Proofs ſo far as thoſe days. And this I ſay for the Reaſon which was hinted before. The Laws made are certainly part of the Original Contract; and by the Laws made, which eſtabliſh the Oath of Allegiance and Supremacy, we are ty'd up to keep in the Hereditary Line, being ſworn to be true and faithful to the King, his Heirs and Succeſſors; whereas the old Oath was, only to bear true Allegiance to the King. There (I take it) lies the Reaſon why we cannot (of our ſelves) without breaking that Contract, break the Succeſſion, which is ſettled by Law, and cannot be alter'd but by another, which we our ſelves cannot make.

Sir *G. Treby.* Your Lordſhip is pleaſed to ſay *Henry* the Seventh's Title by Deſcent was an Uſurpation. I think it is pretty hard to determine what Title he did Govern by, for though his Wife was the Lineal Heir, yet ſhe had no part, or ſo much as a Name in the Adminiſtration. And if it were too great an Iſſue to be try'd then, it will

der to do it now. And it has been ſaid, It was his 1689.
ther's Counſel to him, not to declare particularly up-
what Foot his Title ſtood. But, my Lords, if we
uld allow none for Acts of Parliament, but thoſe that
e made in the Reigns of Hereditary Kings, and in
Right Line, I doubt we ſhould want the greateſt
t of thoſe Laws that compoſe the Volume of Statute-
oks, and the Records by which we enjoy a great part
our Inheritances and Poſſeſſions.

f we look but into a Law of Nature (that is above all Sergeant
man Laws) we have enough to juſtify us in what we *Maynard.*
now a doing, to provide for our Selves and the Pub-
Weal in ſuch an Exigency as this.

f Laws made about the Succeſſion be ſo obliging, Sir *R.*
at then ſhall we ſay to the Succeſſion of Queen *Eliza-* *Temple.*
, who had an Act of Parliament (to the keeping of
ich an Oath was required) againſt both her and her
er.

But to ſhew what Opinion ſhe her ſelf and the wiſe E. of *Pem.*
n of her Times had, and were of, in this Point, *broke.*
e is an Act, made in her Reign, and yet in being,
ich declares it to be a *Præmunire* to affirm, The Par-
ent cannot ſettle the Succeſſion of the Crown, or
r it: Entails in Parliament have been of the Crown,
h Ancient and Modern, yet the Authority of another
ſequent Act has prevail'd againſt ſuch an Entail: So
it ſhould be done, I ſay, in Parliament.

think we are in as full a Capacity to take Care of the Sir *R.*
vernment as any of our Predeceſſors, in ſuch an Exi- *Temple.*
ce; and if we do as they have done before us, that
not to be called a changing of the Monarchy from
Hereditary to an Elective.

After this long Debate, pray let us endeavour to come E. of *Not-*
ear as we can to an Agreement: We have propoſed *tingham.*
e Queſtions, about which my Lords deſired to be ſa-
ed; You, Gentlemen, have not been pleaſed to give
Anſwer to them, and we have no great Hopes of
ing one from you, as this Debate ſeems to be man-
. On your part, you have declared, That you do
owledge the Monarchy is Hereditary and Succeſſive
e Right Line; then I cannot ſee how ſuch an Ac-
wledgment conſiſts with the Reaſons you give for
Vacancy; for I cannot imagine how a Kingdom
be an Hereditary Kingdom, and that King who hath
dren now in being (at the time of his forſaking the

1689. Government) can have the Throne Vacant both of it and his Children. The Courſe of Inheritance, as to the Crown of *England*, is, by our Law, a great deal better provided for, and runs ſtronger in the Right Line of Blood than of any other Inheritance. No Attainder of the Heir of the Crown will bar the Succeſſion to the Throne, as it doth the Deſcent to any common Perſon. The very Deſcent, by Order of Birth, will take away any ſuch Defect. And ſo was the Opinion of the great Lawyers of *England*, in the Caſe of *Henry* the Seventh. Then cannot I apprehend how any Act of the Father's can bar the Right of the Child; (I do not mean that an Act of Parliament cannot do it) I never ſaid ſo, nor thought ſo, but I ſay, no Act of the Father's alone can do it, ſince even the Act of the Son, which may endanger the Attainder in him, cannot do it, ſo careful is the Law of the Royal Line of Succeſſion. This is declar'd by many Acts of Parliament, and very fully and particularly by that Statute, 25 *Henry* the Eighth, *Cap.* 22. entituled, *An Act concerning the King's Succeſſion*; where the Succeſſion of the Crown is limited to the King's Iſſue Male firſt, then Female, and the Heirs of their Bodies one after another, by Courſe of Inheritance, according to their Ages, as the Crown of *England* hath been accuſtomed and ought to go in ſuch Caſes. If then the King hath done any thing to diveſt himſelf of his own Right, it doth not follow thence, that That ſhall conclude the Right of his Iſſue; and then the Throne is not Vacant, as long as there are any ſuch Iſſue; for no Act of the Father can Vacant for himſelf and Children.

Therefore if you mean no more than but the diveſting his own Right, I deſired you would declare ſo: And then ſuppoſe the Right gone as to him, yet if it deſcend to his Lineal Succeſſor, it is not Vacant. And I told you, One Reaſon my Lords did ſtand upon againſt agreeing to the Vacancy, was, becauſe they thought the Vote might extend a great deal further than the King's own Perſon.

But your all owning it to be a Lineal Inheritance, this Vacancy, methinks, do not by any means conſiſt. You declare, you never meant to alter the Conſtitution; then you muſt preſerve the Succeſſion in its ancient Courſe: So I did hear a worthy Gentleman conclude to be your Intention to do. But by what Methods can it be done in this Caſe by us? I deſire to be ſatisfied in a few things about this very Matter.

I desire first to know, Whether the Lords and Com- 1689.
ons have Power by themselves to make a binding Act
Law. And then I desire to know, Whether, accord-
g to our ancient Legal Constitution, every King of
gland, by being seated on the Throne, and possessed of
e Crown, is not thereby King, to Him and his Heirs.
nd without an Act of Parliament, (which we alone
nnot make) I know not what Determination we can
ake of his Estate.

It has been urged indeed, That we have in effect al-
dy agreed to what is contain'd in this Vote, by Vote-
g, That it is inconsistent with our Religion and Laws
have a *Popish Prince* to Rule over us. But I would
n know, Whether they that urge this, think that the
own of *Spain* is Legally and Actually excluded from
e Succession by this Vote. No Man sure will under-
e to tell me, That Vote of either House, or both
ouses, together, can Alter the Law in this or any other
int. But because I am very desirous that this Vote
uld have its Effect, I desire that every Thing of this
ature should be done in the antient usual Method, by
t of Parliament.

GOD forbid that since we are happily deliver'd from
e Fears of *Popery* and *Arbitrary Power*, we should as-
me any such Power to our selves; What Advantage
uld we then give to those who would quarrel with
r Settlement for the Illegality of it? Would not this,
hich we thus endeavour to crush, break forth into a
per? For the Record of 1 *Henry* IV. I acknowledge
e Words of the Royal Seat being Vacant are us'd. But
e you your selves tell us of it, That *Henry* the Fourth
d claim by Inheritance from his Grandfather, that,
thinks, may come up to what I would have the de-
red Sence of both Houses upon this Question; (to
t) The Throne might be Vacant of *Richard* the Se-
nd, but not so Vacant but the Claim of the immedi-
e Successor was to take place, and not be excluded, but
tirely preserved. And *Richard* the Second seems to
ve had the same Opinion, by delivering over his Sig-
t to them.

Our Laws know no *Interregnum*; but upon the Death
the Predecessor the next Heir is King *in uno & eodem*
anti. It was so Resolv'd even in *Richard* the Second's
n Case; for at his Grandfather's Death it was a Que-
on, Whether King *Richard* the Second, or the eldest

1689. Son of his Grandfather, then living, ſhould ſucce
and it was Reſolved, That he ought to have it, bec
of his Right of Inheritance; which is the more rema
able, becauſe of the Conteſt. And when *Richard*
Third uſurped his Crown, to make his Claim good
the Right of Inheritance, he Baſtardized his own N
phews. And ſo it was in all the Inſtances of the Breac
that were made upon the Line of Succeſſion, wh
were ſome Seven; (but all Illegal) for ſuch was
Force of the Laws, that the Uſurpers would not t
the Crown upon them, unleſs they had ſome ſpeci
Pretence of an Hereditary Title to it.

That which I would have avoided by all means,
the miſchievous Conſequences that I fear will enſue
on this Vacancy of the Throne, (to wit) the utter O
throw of the whole Conſtitution of our Governm
For if it be ſo, and the Lords and Commons only
main as part of it, Will not this make the King on
the Three Eſtates? Then is he the Head of the C
mon-wealth, all united in one Body under him? A
if the Head be taken away, and the Throne Vacant,
what Laws or Conſtitutions is it that we retain L
and Commons? For they are knit together in their c
mon Head; and if one part of the Government be
ſolved, I ſee not any Reaſon but that all muſt be
ſolved. Therefore 'tis of very great Importance that
come to an Explanation, how far you mean the Thr
to be Vacant; and that if it reach to the King and
Heirs, (notwithſtanding all the Acts of Parliament ab
the Succeſſion) we may conſider how the Conſequen
of that will affect the Conſtitution; for, I preſum
ſay, it may then be in your Power as well as to ſay,
ſhall have no King at all.

I was miſtaken by the Gentlemen who took notic
what I ſaid the Lords might do of themſelves, in
Abſence of the King: I would not be underſtood to
the Government devolved upon the Lords: but I
ſay they are the Government's great Council in the
terval of Parliaments, and may have greater Sway
the Privilege of their *Birth*, in the Exigencies of
State: As appears in ſeveral Inſtances, and particul
the firſt of *Henry* the Sixth, and during his Infancy. T
was a Caſe put by one Gentleman, about the two
of *Edward* the Fourth, being kept Priſoners ſo long,
it could not be known by any living Witneſſes w

as the eldeſt: I would only ask that Gentleman, Whe- 1689.
ther in that Caſe he would ſay the Throne were Vacant; certainly there would have been One in the Throne. But then it followeth, that though there ſhould be an Uncertainty of the particular Perſon, yet that would not infer a Neceſſity that the Throne ſhould be Vacant. Upon the whole Matter, you ſeem to underſtand your own words to ſignify leſs than they do really import.

I do not find that you purpoſe to make the Kingdom elective; and yet you talk of ſupplying the Vacancy by the Lords and Commons. You do not ſay, That the King has left the Crown for Himſelf and his Heirs; and yet your words ſpeak of a Vacancy, and nothing of the Succeſſion; but you do not tell us what you mean. Therefore, if this Matter were explained, that my Lords may know how far the Intention of the Vote reacheth, that it may not abroad,, or hereafter, be conſtrued to go beyond ſuch Meaning, (that is) as to the King himſelf, and not to his Heirs, perhaps there might quickly be a happier Accommodation that can be expected while things remain thus, ſtill in doubt, and in the dark.

Gentlemen,

If any of you can ſettle this Matter in its true Light, it would do very well, and it is You muſt do it; for the Words are Yours, and ſo we muſt be told your Signification and Intention by your ſelves. If you mean by *Abdication* and *Vacancy* only that the King has *left the Government*, and it is devolved upon the next Succeſſor, that may perhaps ſatisfy my Lords, and we may agree upon ſome Settlement.

I muſt confeſs, any Government is better than none; but I earneſtly deſire we may enjoy our ancient Conſtitution. Therefore I again renew my Requeſt, That you would come to ſuch an Explanation as may breed an Union between the two Houſes, for the ſtrength of your Conſultation and Reſolutions in this great Emergency.

If the Kingdom were indeed Elective, we were in a Capacity of Electing, but *pro hac Vice*, according to the Conſtitution, this Queſtion would be greater than what it was before; but then the great Debate in it would only be, Who ſhould firſt have the Honour of Laying the very Foundation of the New Government. But as this Caſe ſtands upon the Foot of our ancient Laws, and fundamental Conſtitution, I humbly beſeech you to con-

1689. ſider, Whether at the ſame time that in this way you get an Eſtabliſh'd Government, you do not overturn all our Legal Foundations.

Mr. *P. Foley.* I hope, my Lords, there is no danger of ſhaking our Fundamentals in this Caſe; but we are purſuing thoſe Methods that agree with our Laws and Conſtitution: For though the Monarchy of this Nation be Hereditary in the ordinary Courſe of Succeſſion, yet there may fall out a Caſe wherein that cannot be comply'd with, and a plain Vacancy may enſue. For, put the caſe the whole Royal Line ſhould fail, (as they are all Mortal as well as we our ſelves are) ſhould we in that caſe have no Government at all? And, who then ſhould we have but the Lords and Commons? And I think that Caſe comes nearest to the Caſe in queſtion, where the Succeſſor is not known; for if he had been, we ſhould have heard of him before now. And, what is the reaſon that it ſhould then in the former Caſe devolve to Lords and Commons, but that there is no King? And they being the Repreſentative Body of the Kingdom, are the only remaining apparent Parts of the Government, and are only to ſupply the Defect by providing a Succeſſor. And is there not the ſame Reaſon here? We are without a King, I am ſure I do not know of any that we have: But that fall out to be the Caſe now, that will infer a Vacancy with a witneſs; and it will be of neceſſity that the Lords and Commons take care to ſupply it.

My Lords,

Mr. *C----E----e.* We are led, and, I think, out of the Way, into a very large Field, hunting after the Conſequences of a Vote not yet ſettled or agreed unto: We have, as I conceive, nothing but the Vote it ſelf to conſider of, or debate upon: We do not intend to prejudice any Legal Right: But what the Conſequences of this Vote may be before the Vote it ſelf be paſſed, I believe no Man can reaſonably pretend to aſcertain, unleſs he have the Spirit of Prophecy. The Throne may be Vacant as to the Poſſeſſion, without the Excluſion of one that has a Right to the Succeſſion, or a Diſſolution of the Government in the Conſtitution; neither will there be room for the Objection of a King, *de facto*, and no *de jure*, which ſome of the Lords were pleaſed to expreſs their Fears of.

This Gentleman that ſtands by me inſtanced in a Re- 1689.
rd, and that was miſtaken, as a Preſident for the pro-
eding in this Caſe; it was only mentioned by him to
ew, that by uſing the word *Vacant* the Commons did
more than our Anceſtors did before us; and there-
re it was not an unknown word or thing to have the
hrone Vacant. We do apprehend we have made a
ght and apt Concluſion from the Premiſes, for other-
iſe all the Vote is but Hiſtorical. We declare the
te King hath broke the Original Contract, hath vio-
ed the Fundamental Laws, and hath withdrawn him-
lf out of the Kingdom, that he hath *Abdicated*, actu-
y Renounced the Government. What occaſion was
ere for ſuch a Declaration as this, if nothing were con-
uded from it? That were only to give the Kingdom a
ompendious Hiſtory of thoſe Miſeries they have too
ell learnt by feeling them. Therefore there was a ne-
ſſity to make ſome Concluſion; and none ſo natural
this, That we are left without a King in the words
the Vote; that the Throne is thereby *Vacant*, which
may be as to the Poſſeſſion, and yet the Right of Suc-
ſſion no way prejudiced.

But, my Lords, we come here, by the Commands
the Houſe of Commons, to debate the Reaſons of
eir Vote and your Lordſhips Amendments, not to diſ-
te what will be the Conſequences, which is not at
reſent our Province.

And ſo the Conference ended, and the Members of each Houſe returned to their reſpective Houſes.

Next day, *viz. February* the 7th, a Meſſage came from Lords a-
e Lords to the Commons, to tell them that their Lord- gree to
ips had agreed to their Vote without any Alterations, the Abdi-
nd the Conſequence of this was the Inthroning of their cation.
te Majeſties, King *William* and Queen *Mary*.

Now it is time to return ſomething nearer to the late
ing's Perſon, who (as you heard before) reſided at
Germians, to whom the Earl of *Tyrconnel*, who was
ry zealous in *Ireland* for his Majeſties Intereſt, ſent
aron *Rice*, and the Lord *Montjoy*, who ſometime before
e ſent for, by the Earl out of the *North*, in order to
erſwade him for the Embaſſy, to which at firſt he ſhew-
d no great Inclination, alledging it would be more ef-
ctual to ſend a Roman Catholick, but at laſt my Lord

1689. consented, having first these four following Concessions granted him, in behalf of the Protestants by *Tyrconnel*. *First*, That no more New Commissions should be given out or new Men raised. *Secondly*, That no more of the Army should be sent into the *North*. *Thirdly*, That none should be questioned for what had passed. *Fourthly*, That no private House should be Garrisoned or Disturbed with Soldiers. My Lord, and the Baron's Instructions were to represent to the late King the Weakness of the Kingdom, and the necessity to yield to the Time, and wait a better Opportunity to serve himself of his Irish Subjects. But no sooner had they set out from *Dublin*, which was about the 10 of *January*; but the Lord Deputy, contrary to the mentioned Concessions began to augment the Army, and call in the Protestants Arms, some by Proclamation, some by Force and Compulsion, and there was near 3000 Fire Arms, besides Swords Bagonets, and Pikes, got from the City of *Dublin* which was thus transacted; he caused all the Streets and Lanes in the City to be filled with Foot and Horse, the having by Officers commanded the Citizens to deliver up their Arms, they were immediately obliged to comply, least they should be Murthered. The Lord *Tyrconnel* was not satisfied with this, but had an Order drawn for him to Sign, wherein it was declared, That all the Protestants with whom any Arms were found, should be given up to the Mercy of the Soldiers: But to prevent the Execution of such an unreasonable Declaration, the Bishop of *Meath* laid before his Excellency (*viz. Tyrconnel*) the following Considerations.

Bishop of *Meath*'s Proposals to the E. of *Tyrconnel*.

WHereas your Excellency hath Ordered by your Declaration, that a Search shall be made in every House in *Dublin*, for Arms and Ammunition; and that in case any should be found upon Search, that the Persons with whom they are found, shall be left to the Mercy of the Soldiers: This Penalty is thought unreasonable on the following Accounts.

First, Because it is not determined by the Declaration, who shall be Searchers: For if the Matter be managed as hitherto it hath been, every one who pretends to be a Soldier, must have Liberty to Search, and in such Numbers, and as often as they please, no House can be safe; for that some have been already searched by several Companies one after another, and that in the same day

An

nd if any of these should pretend to find a Pistol, or 1689.
gonet, or Horn of Powder, tho he brought it out of
s Pocket, with a design to draw an Inconveniency to
e House; yet by the Declaration, the House and all
at is in it, must be left to the Mercy of the Soldiers;
d by this means, the Innocent may suffer as well as
e Guilty.

Secondly, That if the Soldiers be permitted to search,
ere will be so much Damage by it to this City, that
Age cannot repair it: For by this Means every place
at is capable of concealing Arms, must be left to their
scretion; the Boards will be ripp'd up, partition
alls broken down, Wainscot taken away, Cellars digg-
up, the Foundations of Houses endangered, Barrels
Beer open'd, Provocations offer'd and receiv'd, the
fety of the People in apparent hazard, many things
en away without hopes of Restitution; the Looms of
adesmen, and the Instruments of Artificers destroy'd,
d his Majesty's Interest disserved after all by the Sol-
ers, endeavouring rather to serve their own Ends,
an his Majesty's true Interest.

Thirdly, In many Houses there are several Families,
dgers and Servants of several sorts, and if any of these,
ther out of Malice or Folly, or good Will to their
asters, conceal any Arms, tho never so inconsiderable,
the rest, though innocent, must suffer for it; which
gainst Equity and Justice, that requires every Man to
fer only for his own Fault, and not for the Fault of
hers.

Fourthly, Many have had Lodgers in their Houses for
veral Years, whose Trunks and Papers are still there,
d possibly Arms may be in them, which the House-
eper knows nothing of. It is therefore unreasonable,
at either the Owners of such Goods being absent, or
e Masters of the House that know nothing of it, should
fer for what they cannot help. By this means Papers
y miscarry, and the Estates of Men be Ruin'd and
ndone.

Fifthly, Many Landlords, Owners of Houses, are ei-
r gone for *England*, or absent elsewhere, about their
ful Occasions, and their Servants may either not
ow where their Arms are, or foolishly endeavour to
nceal them, and so expose their innocent Masters to
in.

Sixthly,

1689. *Sixthly*, The leaving Perſons to the Mercy of th Soldiers, is a Puniſhment ſo unknown to our La and ſo ſtrange to theſe Kingdoms, that the Executio it will be a great Prejudice to his Majeſty's Affairs, a alienate the Hearts of his Subjects more from him, a do him (whoſe Preſence they expect) more miſchief th the Arms can do him good. It is an ill Preſident, a may in time deſtroy the whole Kingdom, and ſubv the Law.

It is therefore humbly propoſed, that in caſe yo Excellency be not ſatisfied with the Returns alrea made, but you will go on with the Search; that yo Excellency would graciouſly condeſcend to theſe Expe ents, for the better Eaſe and Quiet of his Majeſty's Su jects.

Firſt, That whereas each Pariſh is divided into its ſ veral Wards, that your Excellency would order t Search to be made by the Deputy Alderman of ea Ward, with the Aſſiſtance of one or more Military O ficers, as your Excellency ſhall think fit, and not by t Soldiers: For by this means, what Arms are found, w be ſecured for his Majeſty's Uſe, and the Subject fre from the Fears of Plunder and Ruin.

The Search intended is ſo provided for, to be by an A derman and an Officer.

Secondly, That no Man be reſponſible for no mo than his own Goods, nor the Puniſhment inflicted any but the Guilty.

His Excellency conſents to this.

Thirdly, That regard be had to the Goods and Pap of all Perſons that be Abſent, and who by reaſon their Abſence before the Declaration was Publiſh cannot be preſumed to be Violators of it.

His Excellency conſents to this.

Fourthly, That a Declaration be Publiſhed to this p poſe, for informing the People of your Excellency's I tentions, which will contribute much to the Allaying their Fears, and the quiet of their Minds.

His Excellency allows the Biſhop of Meath *to declare t to all Perſons.*

Fifthly, That whereas your Excellency did by y Declaration, order all Arms to be returned into the riſh-Churches, and yet in ſome Pariſh-Churches th were no Officers appointed to receive them; That y Excellency would by a new Proclamation, order fi

A

ns as have not yet been delivered, for want of ſuch 1689.
icers to receive them, be received by ſuch as your
ellency ſhall think fit to appoint.

An Account of this to be given to the People, by them-
es or Church-Wardens, or Clerks; as alſo publick Notice
he Church to morrow Morning.

The Return to be made to the Clergy by the Inhabitants, and
he Clergy to the Biſhop of Meath.

That his Excellency doth not intend to bind himſelf
n ſearching for Arms in the City of *Dublin* by the
Declaration, becauſe it was Publiſhed before its
ne, and without his Order, in caſe a more due Re-
n of Arms be not made, than he hath hitherto re-
ved.

But to return to the Meſſengers ſent to *France* to the
King, my Lord *Montjoy* was ſeized upon, and put
o the *Baſtile* there; for what Reaſons I know not,
leſs that he was thought to have too much regard to
Proteſtant Intereſt, which made ſome of K. *James's*
urt to be jealous. Therefore the late King having
n aſſiſted by the King of *France* with Money, and
ces, took Shipping and ſailed for *Ireland*, and ſafely
ded at *Kingſale* on the 12th of *March*, where he was
ived, for want of Bells, with the loud Shouts and K. *James*
clamations of the Townſmen. The King next day Lands in
nt with his Retinue (that were by this time conſide- *Ireland.*
ly augmented) for *Cork*, and before he went from that
ce, the *French* Fleet, conſiſting of 22 Sail, that came
ng with the King, had Orders to return for *Breſt.*
d here it is not improper to give the Reader a Liſt of
e moſt principal Men that came with him from *France*;
o were the following Perſons.

A Liſt

1689.

A List of all the Men of Note that ca with King *JAMES* out of *France*, that followed him after; so far as cou be Collected.

A List of K. *James* his Followers into *Ireland*.

THE Duke of *Berwick*.
Mr. *Fitz-James*, Grand Prior.
Duke *Powis*.
Count *d' Avaux*, Ambaſſador from *France*.
Lord *Dover*.
Lord *Henry Howard*.
Lord *Thomas Howard*.
Lord *Drummond*.
Marqueſs *d' Eſtrades*.
Earl of *Melfort*.
Lord *Seaforth*.
Biſhop of *Cheſter*, who died here, and is buried in *Chriſt-Church*.
——*Gourdon*, Biſhop of *Galway*.
——*Hamilton*, Dean of *Glaſgow*.
Sir *Edward Herbert*.
Sir *John Sparrow*.
Colonel *Porter*.
Mr. *Pedle*.
Monſieur *Pontee*, Enginier.
Captain *Stafford*.
Captain *Trevanyon*, Sea Captain.
Sir *Roger Strickland*, ditto.
Captain *Arundel*, ditto.
Colonel *Sarsfield*.
Col. *Anthony Hamilton*.
Col. *John Hamilton*.
Col. *Symon Lutterel*.
Col. *Henry Lutterel*.
Col. *Ramſey*, kill'd at *Derry*.
Lord *Abercorne*.
Col. *Dorrington*.
Major *Thomas Arthur*.
Lord *Dungan*.
Captain *Mac Donnel*, Captain.
Sir *William Jennings*.
Col. *Sotherland*.
Sir *Henry Bond*, Receiv General.
Mr. *Collins*, Com. of t Revenue.
Col. *Clifford*.
Col. *Parker*.
Marſhal *de Roſne*.
Lieut. Gen. *Mamse*, ki ed at *Derry*.
Lieut. Gen. *Puſignan*, ki ed alſo.
Major General *Leary*.
Lord *Trendraught*.
Lord *Buchan*.
Major *John Gourdon*.
Lieut. Col. *John Skelton*.
Major *John Ennis*.
Major *William Douglas*.
Lieut. Col. *Hungate*.
Major *Will. Connock*.
Sir *Charles Carney*.
Lieut. Col. *Alex. Mackenzy*.
Major *James Fountane*.
Major *Teig Regan*.
Lieut. Col. *Edward Scott*.
Major *Frayne*.
Major *Symon O-Hogherne*.
Lieut. Col. *Bynns*.
Col. *James Purcel*.

Lieu

eut. Col. *George Traps.*
ajor *Robert Ingram.*
ajor *Edm. Pendergaſt.*
ajor *John Gifford.*
ord *Hunſdon*, Col.
eut. Col. *Francis Leonard.*
ol. *Alex. Cannon*, went for *Scotland.*
ajor *Edmond Bourk.*
ajor *Demſy.*
ajor *Frederick Cunningham.*
ol. *Robert Fielding.*
ajor *Richard Hillerſden.*
ajor *Boepry.*
onſieur *Boiſleau*, made Governour of *Cork.*
is Brother St. *Martin*, Commiſſary of the Artillery, killed at *Cromp-Caſtle.*
r *Edward Vaudrey.*
r *Ch. Murray.*
r *Robert Parker.*

Chaplains, *viz.*

Father *Nich. Dunbar.*
Father *Dan. Mac Ayliffe.*
nthony *Mac Gwyre.*
icholas *Trapps.*
ohn *Madden.*
uſtin *Mathews.*
aurence *Moore.*
ather *Edmond Reyly.*
ohn *Gravell.*
ohn *Hologhan.*
ather *Richard Peiree.*
atr. *Aghy.*
arby *Daley.*
hady *Groley.*
aniel *Mac Carty.*

Chirurgeons, *viz.*

John Brunton.
Teady Regan.
Jo. Baptiſta Monlebeck.
Charles Stapleton.
John James Aremore.
John Caſſel.
Edmond Tully.
Nich. Reynard.

Captains.

William Chartres.
William Oliphans.
Robert Chartres.
Peter Blare.
Thomas Brown.
Francis Creighton.
James Buchan.
Alexander Gourdon.
George Lattin.
Sir *Alphonſo Moiclo.*
John Baptiſta du Moll.
John Mollins.
John Wynnel.
John Forteſcue.
Robert London.
George Roberts.
Thomas Scott.
James Fitz-Symons.
William Gibbons.
William Delaval.
Mau. Flynn.
Richard Scott.
Connor O-Toghil.
Anthony Ryan.
Rupert Napier.
Terence O-Brian.
Edm. Kendelan.
Henry Croſton.
Richard Anthony.
Edm. Nugent.
John Plunket.

John

1689.

John Dungan.	*Charles Fox.*
Rowland Smith.	*Anthony Vane.*
Gowen Talbot.	*Strickland Tyrwhit.*
Symon Barnwel.	*John Manbaek.*
John Broder.	*Francis Callange.*
John Caevnagh.	*John Ludamento.*
Edm. Stack.	*Fran. Lappanſe.*
Walter Haſtings.	*Bernardo Busket.*
Edw. Widdridgton.	*Joſeph Pamuet.*
Samuel Arnold.	Capt. *Millio.*
Robert Welſh.	*Geo. Coney.*
David Rock.	Chevalier *Devalory.*
Charles Booth.	Sir *Samuel Foxon.*
——— *Fornoe.*	*John Power.*
Robert Feilding.	*John Banner.*
Francis Gyles.	*Henry Nugent.*
John Barnaby.	*William Mackentoſh.*
Anthony Power.	*Charles O-Daniel.*
John Chapel.	*Arthur Dillon.*
Rowland Watſon.	*Lord Brittas.*
Thomas Arundel.	*Allen Bellingham.*
Robert Hacket.	*John Brown.*
Sir *William Wallis.*	*Thomas Carleton.*
Richard Burton.	*Robert Nugent.*
Cornelius Mac Mahon.	Capt. *Pagez.*
Talbot Laſſels.	Capt. *Duraſs.*
Richard Bucker.	*Nich. Keniſh.*

The King had brought alſo with him from *France* conſiderable quantity of Powder, Ball and Lead, a Arms, according to Computation for 15000 Men, b ſides about 12000 *l.* Sterling, with a Promiſe (as was ported) of four times as much from the *French* King, it was well imploy'd.

K. *James* his Entry into *Dublin.*

The Earl of *Tyrconnel* having had Notice of the Kin Arrival, haſtned to meet and conduct him for *Dubl* where, having ſet out from *Cork* on the 20th of the Month, he arrived on the 24th, at Noon. At his try, all the Soldiers were placed from St. *James's* G to the Caſtle Gate, all along on both ſides of the Stre which were purpoſely ſtrewed with freſh Gravel. his firſt Entrance into the Liberty of the City, th was a Stage built, covered with Tapiſtry, where played on *Welſh* Harpes, and underneath a great Nu ber of Fryars with a large Croſs, ſinging, and

ere about 40 Maids, (or ſuch as paſſed for Maids) all 1689.
white, danced all the way before him towards the
aſtle, and as they advanced they ſtrewed the Streets
ith Flowers: The rich Citizens, to ſhew their Joy on
is Occaſion, hung their Balconies with Tapiſtry and
loth of *Arras*, but the poor that had Balconies, and
d not ſuch coſtly Hangings, ſome were content to
w together the Coverings of Turkey-work Chairs, and
ng them out, while others made uſe of Blandle-Cloth
lankets for the ſame purpoſe. He was met at the Li-
its of the Freedom by the Lord Mayor, Aldermen,
d Common-Council, Maſter, Wardens, and Brethren
ſeveral Corporations, together with the King and
erald at Arms, Purſevants, and Servants of the Houſe-
old. Here his Majeſty received the Sword of State
which he gave to the Earl of *Tyrconnel*, to carry before
im through the City) and at the Delivery of the Keys
f the City, Counſellor *Dillon* (who that Morning was
orn Recorder, in the room of Counſellor *Barnwel*)
ade a ſpeech to the King, ſetting forth the unexpreſſi-
le Joy of that City, to have the Honour to attend him
nd welcome him into their City, whereby an Oppor-
nity was put into their Hands to teſtify to the World
eir untainted Loyalty, *&c.* From hence he ſet for-
ards towards the Caſtle, preceded by 5 or 6 Coaches
ith 6 Horſes each, 2 Callaſhes, 4 or 5 Carts, and one
oſe Wagon attended by 5 or 6 *French* Troopers; next
o theſe followed about 700 of the young Fellows of the
own that went out to meet him. Now came Major
arker (the Major of the Royal Regiment) bare-headed,
ving Orders for the Soldiers to keep clear the middle
f the Streets, and ſtand with their Muſquets ſhouldred;
en 29 Horſemen bare-headed, and before Mr. *Fitz-*
ames, who rid alone in one of the Earl of *Tyrconnel*'s
oaches with 6 Horſes, next to him came three Officers
f the Guards on Horſeback, attended by 3 lead Horſes;
ter theſe marched 15 or 16 Officers of the Army, cloſe-
followed by the 5 Trumpets and Kettle Drums of
ate, in their Liveries; next to theſe advanced 20 of
e Gentlemen at large on Horſeback, who were follow-
d by the Meſſengers and Purſevants of the Houſhold;
ter them came the Herald and King at Arms; and now
me the Earl of *Tyrconnel*, carrying the Sword of State
fore the King, who rid on Horſeback, having a *George*
ng over his Shoulder with a blue Ribbon; he was at-
tended

1689. tended on the left Hand by the Duke of *Berwick*, the Lord *Granard*, and on the right by the Lords *Powis* and *Mellfort*, having their Hats on. The King's Person was closely followed by a Troop of Dragoons, several Gentlemen and Officers, 2 Troops of Horse, and many Attendants, which were followed by 6 Lords Coaches with 6 Horses each. Now comes Judge *Keating* in his Scarlet Dress, followed by 3 other Gentlemen's Coaches empty, with 6 Horses each, and next 3 Coaches more with 2 Horses each; and last of all, the Mob with loud Acclamations and Shouts compleated the Train.

The King thus attended marched forward; the Pipers of the several Companies played the Tune of, *The King shall enjoy his own again*; and the People shouting and crying *God save the King*: And being come in this order to the Castle, his Majesty alighting off his Horse, was met at the Gate by the Host, overshadowed with a Canopy borne up by four Roman Bishops, accompanied with a numerous Train of Friars singing, and other Clergy of the same Persuasion; and here the Titular Primate, with a Triple Crown upon his Head, representing the Pope attended among the rest; at the sight of which Representation, his Majesty out of his Zeal, and according to their Popish manner, fell down on his Knees, and repeated some Prayers, as is usual upon the Appearance of such Representatives. From hence the King was conducted into the Chappel there, built by *Tyrconnel*, where *Te Deum* was sung for his happy Arrival; then he retired to an Apartment prepared in a new House built in the said Castle, where he dined that day.

K. *James* issues out divers Proclamations.

The next Morning the King having called a Council turned out the Earl of *Granard*, Chairman; Judge *Keating*, &c. and in their rooms placed M. *d'Avaux*, the Bishop of *Chester*, and Lieutenant Colonel *Dorrington*. Here five several Proclamations were Published by the King in Order; one requiring all his Subjects of that Kingdom that had lately left the same, upon any Pretence whatsoever, to return home, with Assurance of his Protection, and requiring all his Subjects, of what Degree or Persuasion soever, to join with him against the Prince of *Orange*. A second commended all his Roman Catholick Subjects for their Vigilancy and Care in Arming themselves; yet whereas it had incouraged some to Robberies, it required all but such as were actually under Command and Pay in the Army, to lay up their Arms

their ſeveral Abodes. A third, invited the Country 1689.
carry Proviſion to his Army in the North; requiring
Officers and Soldiers not to take any from them, but
at they made good pay for. A fourth, for raiſing
h Monies as paſſed there, *viz.* a Guinea to 24 *s.* an
gliſh Shilling to 13 *d.* a Duccatoon, which was 6 *s.*
6 *s.* 3 *d.* a Cob of 4 *s.* 9 *d.* to 5 *s.* a Cob of 4 *s.* 6 *d.*
4 *s.* 9 *d.* a *French Lewis* of Gold to 19 *s.* and all others
portionable. The fifth was for the Parliament to
et at *Dublin* the 7th of *May*, for regulating Matters
leſiaſtical. At this time the King conſtituted *Dor-*
ton Colonel of the Royal Regiment, in the room of
Duke of *Ormond*, and created the Earl of *Tyrconnel*
ke of *Tyrconnel*. Then at the Head of an Army he
rched towards *Londonderry*, in order to reduce it to his
edience.

Having brought the King thus far into this Kingdom,
ore we enter upon further Particulars acted here, it
ll not be improper to take a View of the Affairs of
land, and give the Reader a ſhort Narrative of the
anſactions of that Kingdom, in favour of this Prince;
d to look a little back, we find, that upon the Revo-
ion in *England*, and King *James*'s Abdication, a Con-
tion met in *Scotland*, to whom he directed the fol-
ing Letter, requiring them to ſtand by him and own
Authority.

My Lords and Gentlemen,

K. *James* his Letter to the *Scotch* Convention.

WHereas We have been informed, That you the Peers and Repreſentatives of the Shires and Boroughs of that Our Ancient Kingdom, who are to meet together at Our good Town of *Edenburgh*, ſome time in this Inſtant *March*, by the uſurp'd Authority of the Prince of *Orange*, We think fit to let you know, That as We have at all Times rely'd upon the Faithfulneſs and Affection of You our Ancient People, ſo much, that in Our greateſt Misfortunes heretofore, We had Recourſe to Your Aſſiſtance, and that with good Succeſs to Our Affairs: So now again We require of You to ſupport our Royal Intereſt, expecting from You what becomes Faithful and Loyal Subjects, Generous and Honeſt Men, that will neither ſuffer your ſelves to be cajoll'd nor frighted into any Action miſbecoming true-hearted *Scotch-men*. And that to ſupport the Honour of the Nation, You will

1689. " contemn the baſe Examples of Diſloyal Men,
" Eternize your Names by a Loyalty ſuitable to the
" ny Profeſſions You have made to Us; in do
" whereof, You will chuſe the ſafeſt Part; ſince the
" by You will evite the Danger You muſt needs und
" go; the Infamy and Diſgrace You muſt bring up
" your ſelves in this World, and the Condemnat
" due to the Rebellious in the next; and You
" likewiſe have the Opportunity to ſecure to your ſel
" and your Poſterity, the Gracious Promiſes which
" have ſo often made of ſecuring your Religion, La
" Properties, and Rights, which We are ſtill reſol
" to perform, as ſoon as it is poſſible for Us to m
" You ſafely in a Parliament of Our Ancient Kingdo
" In the mean time, fear not to declare for Us y
" lawful Sovereign, who will not fail on Our part,
" give You ſuch ſpeedy and powerful Aſſiſtance,
" ſhall not only enable You to defend your ſelves fr
" any Foreign Attempt, but put You in a Condit
" to aſſert Our Right againſt our Enemies, who h
" depreſſed the ſame by the blackeſt of Uſurpations,
" moſt unjuſt as well as moſt unnatural Attempts, wh
" the Almighty God may for a time permit, and
" the Wicked proſper, yet then muſt bring Confu
" upon ſuch Workers of Iniquity. We further let Y
" know, that we will Pardon all ſuch as ſhall return
" their Duty before the laſt day of this Month Inc
" five; and that we will Puniſh with the Rigour
" Our Laws, all ſuch as ſhall ſtand in Rebellion aga
" Us or Our Authority. So not doubting that
" will declare for Us, and ſuppreſs whatever may
" poſe Our Intereſt; and that You will ſend ſome
" your Number to Us, with an Account of your
" ligence, and the Poſture of Our Affairs; We bid Y
" heartily farewel.

Given on Board the St. Michael, March *the First*, 168$\frac{8}{9}$.

By His Majeſty's Command,

MELFO

But they were ſo far from being influenced by
Letter, that they declared King *William* and Queen *M*
Sovere

vereigns of their Kingdom, and thereupon put 1689.
th a Proclamation, *That none ſhould preſume to acknow-*
e the late King James VII. *for their King, neither obey,*
ept, nor aſſiſt any Order or Commiſſion that ſhould be grant-
by him, or any way to Correſpond with him, by Writing, &c.
on this Declaration of the Convention, the Duke of
rdon (out of Zeal for his late Majeſty's Reſtoration)
ed upon the Caſtle of *Edenburgh*, being the ſtrong-
Hold in *Scotland*; but the Townſmen and Others were
leſs Zealous for King *William*: For notwithſtanding
Strength of that Place, and other Advantages the
ke had, yet the Beſiegers went ſo briſkly to work,
ing cut off all Communication from the Caſtle, that the
ke found himſelf under an Obligation to Capitulate,
the rather, becauſe by this time Major General *Mac-*
, Commanding ſome Forces from *England*, had ar-
d in the Kingdom. Now the Duke finding no Hopes
Relief on his part, on the 28th of *June* he ſurrender- *Edenburgh*
that important Caſtle to Sir *John Lanier*, upon Arti- Caſtle
in behalf of his Men, tho' he Himſelf had none for ſurrend-
own Perſon, declaring, *That he had ſo much Reſpect* red.
all the Princes of King James *the* VI. *Line, as not to*
e any Conditions with them for his own particular Intereſt.
wever, Viſcount *Dundee* Heading the *Highlanders* in
North, had augmented his Army from 80 Horſe, to
oFoot and 100 Horſe, and gave ſome Hopes of King
es's Reinthronement. But on the 26th of *July*, Ma-
General *Mackay* marching at the Head of about 4000
t, and 40 Troops of Horſe and Dragoons, came in
Evening in ſight of the Enemy, being near the Plain
he County of *Athol*. The next day about five in the
noon, a terrible Fight began between the two Ar-
s, which laſted till Night, at which time *Dundee*,
a valiant Captain, charged the Enemy ſo furiouſly,
they were forced to Retreat in great haſte, but were
ely purſued by the *Highlanders*, for a little while,
ſuch time as their Commander *Dundee* expoſing him-
too far into Danger, was killed by a Muſquet-ſhot, *Dundee*
oſe Fall put a ſtop to the Purſuit, and gave Opportu- Slain.
y to *Mackay* and his broken Troops to Retreat that
ght to *Sterling*, but the loſs of *Dundee* (being an ex-
enced Commander, and the Life of the Party) was
k'd upon ſo unfortunate and fatal by ſeveral of his
lowers, that they put up their Swords and parted
eably unto their own Homes. But the Earl of *Dum-*

1689. *ferling*, and ſome other Officers, were not wanting hazard another Battle; which hapned at St. *Johnſ* but it proved to be a total Rout to them; the numb of their Slain amounted to near 400 Men, and the C ſequence of this Defeat, was the daily Declination the late King's Intereſt in that Kingdom; tho' after ſeveral inſignificant Parties declared for him, yet th Feats were ſo inconſiderable this Year, that 'tis not wo our Cognizance now, but we ſhall ſee more of their tions the enſuing one.

Before we will follow the King's Perſon towards *donderry*, we are to inform the Reader of the Condit of that Place, and how the Proteſtants came to poſſeſ Upon the Alarm of the Prince of *Orange*'s Deſign on *England*, *Tyrconnel* was ordered by the late Ki to diſpatch ſome Regiments of Foot over for *land*, to oppoſe the Prince's Intentions: *Tyrconnel*, compliance to the King's Commands, ordered the giment of Foot belonging to the Lord *Montjoy*, quarter'd at *Londonderry*, to march up to *Dublin*, in der for their Embarking for *England*, and the Gov ment of the Town was left to the chief Citiz till the Earl of *Antrim*'s Regiment could come into City to be its Garriſon. The Earl's Regiment not after, according to Orders, marched to take Poſſeſ of the Town, but at their Appearance before it, the tizens clapt up the Gates and deny'd them Entrance, claring their Reſolution for the King and their own ſervation. *Tyrconnel* at the News of this, was ſai have burnt his Wig, as an Indication of his Diſplea with the Townſmen's Proceedings; and hereupon Lord *Montjoy*, and part of his Regiment that were w in three days of their Arrival at *Dublin*, were comm ed back to force the Citizens to a Compliance to be riſoned by the foreſaid Regiment. Upon my *Montjoy*'s Appearance before the Town, he found together Impracticable, having but ſix Companie his Regiment there, to gain *Tyrconnel*'s Deſigns by A therefore propoſed to the Citizens, that if they admit any of the Army to Quarter in that Town would diſband all the *Roman Catholicks* in the ſix Co nies, and ſupply their room with Proteſtants; and lonel *Robert Lundy* that was my Lord's Lieutenant, be their Governour. Theſe were the Regulations at *Londonderry*, when upon the News of King *J*

March from *Dublin* towards the Place, Mr. *George Walker* Minister, who headed the Garrison at *Dungannon*, thinking it not tenable against so numerous an Army, marched for *Londonderry*, where Colonel *Lundy* the Governour, in the 17th of *April*, apprehensive that the late King's Design was upon that Town, therefore he thought fit to call a Council to consult what Measures to take. The Council after several Debates agreed, That considering the Exigency of their Affairs, and how likely it was, that the Enemy would in a short time possess themselves of the Place; therefore it was thought most convenient, that the Principal Officers should privately withdraw themselves, as well for their own Preservation, as in hopes that the Inhabitants, by a timely Capitulation, might make Terms the better with the Enemy. In pursuance to this Resolution, an Instrument was prepared to be subscribed by the Gentlemen of the Council, and to be sent to King *James*, who was by this time advanced as far as St. *John*'s Town; but in the *interim*, several Persons considering all Circumstances, began to conceive some Jealousy of their Governour, and protested against the Resolution of the Council; but at the same time, one Captain *White* was sent to the King to receive Proposals of him, and it was agreed with Lieutenant General *Hamilton*, His Majesty's Agent in this business, that the Army should not march within four miles of the Town. 1689. *London-derry* besieged.

But opposite to the Agreement, the King upon Intimation of the Protestations of some of the Townsmen, against the Proceedings of the Council, on the 18th of *April*, advances with a formidable Army before the Walls of the City. Hereupon the Soldiers from within welcomed them with the discharge of some of their Guns upon them, which did not a little disturb their Order, and caused them to retire back to St. *John*'s Town. Now the Governour and his Council began to reflect on the danger they were in, from the Soldiers of the Town, and therefore most of them privately marched out of the Town. *Lundy* the Governour departed also, and by his means it was, that Colonel *Richards* and Colonel *Cunningham* (who were sent from *England* with two Regiments, and a great deal of Provision and Ammunition, to the Relief of the Town) returned out of the Lough of *Derry*, *re infecta*; for indeed they attempted nothing, for which Cowardliness they were afterwards

1689. wards both Caſheered. Upon the Departure of *Lu*
the Garriſon ſeeing themſelves deſerted and left wi
out a Governour, yet reſolute to maintain the Town
the utmoſt Extremity, they choſe Mr. *Walker* and Ma
Baker to be their Governours during the Siege, the fi
mer was intruſted with the Stores, and the latter wi
the Soldiery. The Governours having Regimented th
Men, and finding them to amount to 7020 Soldiers a
341 Officers, as alſo taken a view of the Stores and P
viſions, were reſolved to hold the Place to the laſt Ga
notwithſtanding, at the ſame time, my Lord *Strah*
was ſent to the Town Walls to propoſe Conditions
Surrendry, offering His Majeſty's Pardon, Protectio
and Favour. But the King finding the Reſolutions
the Beſieged unalterable, on the 21ſt of *April*, order
a *Demiculverin* to be placed within 118 Perches
the Town, with which they plyed the Town inceſſa
ly, tho' the Succeſs was not anſwerable to their Indu
ry, yet the Market-Houſe in the Town was battered
ſerably. Hereupon the Beſieged made a Sally, in wh
200 of the Enemy was killed, with ſome Officers of No
one of which was the French General *Mamoe:* But
Beſiegers Horſe coming up, ſet upon the Salliers w
great fury, and obliged them to retreat, killing ſome
their Number, one whereof was Lieutenant *Mac. P*
dus, with others of leſs Note. Now the Beſiegers pla
four *Demiculverins* at the lower end of an Orchard,
from thence ply'd the Town with great eagerneſs,
did conſiderable Execution upon the upper-parts of
Houſes in the Town, by the Ruins and Falls
which, many People were killed, neither were
Beſieged leſs active to return their Complements fr
the continual firing of their Cannon, whereby ſome
ficers of eſteem were killed, to compenſate the Loſs t
ſuſtained within the Walls; but the inceſſant firing
the Beſiegers, who now began to throw divers Bo
into the Town, obliged the Garriſon to make anot
vigorous Sally, and made ſome ſlaughter amongſt
Enemy, at a Place called *Peniburnhill*, but the Horſe
before, advancing to ſuſtain their Foot, obliged the
retreat with the loſs of two Men, and about eight
wounded. Hereupon the Aſſailants proceeded to d
a Trench croſs *Windmill-Hill*, from the Bay to the
ver, for the more commodious Battery of the W
which the Defendants were not ignorant of, there

r. *Walker* with a Detachment of Select Men, makes a 1689.
orous Sally from *Ferry Gate*, about four a Clock in
e Morning, and one part of the Aſſailants beat the
e Enemy's Dragoons from the Hedges, add the other
ſſeſſed themſelves of the Trenches, and gained an ad-
ntagious Ground and got ſome Booty: The Beſiegers
t in this Action about 200 of their Men, and 500
ounded, with the loſs of three Men, and 20 wounded
the other; but Lieutenant *Douglaſs* and Captain *Cun-*
gham being taken Priſoners, were, after Quarters gi-
n, baſely put to the Sword. At this time, *viz. April*
th, King *James* left the Camp, and retired to meet
s Parliament at *Dublin*, the Proceedings of which we
ll declare after we have brought the Siege to an end.
he Aſſailants not finding their Attempts upon the Town
ceed, they removed their main Body from St. *John's*
own, and pitched their Tents upon *Beliurgy* Hill, about
o Miles diſtant from the Town, for the more ſtrict
uard of the City, and to prevent the Beſieged from
ming to the Wells of Water, and in attempting to
gain which, it coſt them many Men. Now it being
e 4th of *June*, the Beſiegers made an Aſſault, with a
dy of Horſe and Foot at the Wind-mill Works, as
ing the moſt acceſſible in their Opinions. The Horſe,
hoſe Front were moſt Gentlemen, that had bound
emſelves with an Oath to mount the Beſieged's Line,
ent on in good order, making loud Huzzaes, but were
aten off ſeveral times, and at laſt obliged to retreat,
d tho' the Foot were no leſs reſolute, and for their
fence againſt the Enemies firing, had got Faggots, and
hen thoſe failed them, took up dead Bodies, yet after
ſharp Fight, and a dubious Diſpute on both ſides, the
ſſailants retreated in great Diſorder, leaving behind
em 400 of their Number killed upon the Spot. Upon
is, the Night approaching, the Beſiegers began to play
on the Enemy with their Bombs of 273 Pound weight,
d continued ſo doing all Night, which did conſidera-
le Damage to the Town, by demoliſhing ſeveral Houſes,
d deſtroying the People by the Ruins thereof. The
xt Morning they began to batter the Walls with their
ual Succeſs. Now the Garriſon being reduced to 6185
en, and Famine raging among the Multitude of uſeleſs
eople in the Town, they began to deſpair of holding
e Place any longer; but upon the 15th of *June*, they
iſcovered a Fleet of 30 Sail in the *Lough*, and had No-

1689. tice that it was ſent from *England* to their Relief, wi
Men, Proviſion, and Ammunition, under the Cond
of Major General *Kirk*; but the Beſiegers apprehenſi
of *Kirk*'s Deſign, they raiſed Batteries oppoſite to t
Ships, and having drawn their Guns to *Charles* Fort,
Place of conſiderable Strength upon the narrow Part
the River; thereby, and alſo by a Boom made croſs t
River, and faſtened in the Narrow Paſſage from Sho
to Shoar, the General was prevented at that time fro
relieving the Town: But in the mean while the Beſie
ed held Correſpondences with the Fleet only by Sign
or ſuch as privately ſwam the River in the Night-tim
or made other private Attempts for great Rewards,
which ſome were intercepted, and others loſt; but tw
Letters from the Ships, were brought to the Town by
little Boy, one tied in his Garter, and the other in
Cloth Button, the Contents of the laſt were, *That t*
General had endeavoured all means imaginable for their R
lief, but it was impoſſible to attempt it by the River, whi
had cauſed him to ſend a Party to Inch, *where he himſelf*
Perſon was to follow, to try to beat off the Enemy's Camp,
at leaſt wiſe give them a Divertion, that they ſhould not pr
too hard upon the Town: That he expected 6000 *Men fr*
England *every Minute, and had ſent Officers, Ammuniti*
and Proviſions, Arms, Guns, &c. *to* Iniſkillin; *and th*
he had Notice from thence, that the Duke of Berwick
beaten, but it wanted Confirmation. He adviſed them t
Couragious, and husband their Victuals and Proviſions w
till God pleaſed to give them Deliverance, &c.

All this while the Inhabitants, and the Garriſon
the Town, were not a little weakned both in Streng
and Number by the raging Famine that was within th
Walls, and tho' many Attempts were made to reach t
Ships in the River, yet moſt of the Attempts were deſtro
ed by the Shot of the Enemy; and ſome, even *Tantal*
like, were cut off at their entrance abroad. About th
time, Major *Baker* being taken very ill, and uncapable
act as Governour, Colonel *Michelburn* was choſe to o
ciate as Aſſiſtant to Mr. *Walker*. About the ſame time G
rade de Roſen the French Mareſchal General, arrived
the Aſſailants Camp, and upon view of the Fortificati
of the Town, was ſo confident of prevailing againſt it, th
he ſwore by the Belly of God, he would level it with t
Ground, and bury the Defendants in its Ruines; and
order thereto he runs a Line, and places more Morti
an

1689.

d Culverins, and in the management of which, he ſed many Amuſements to draw the Beſieged into his mbuſcades, which did not ſucceed; for it was impracable to catch Old Birds with Chaff. Here after many allies with different Succeſſes on both ſides, the Beſiegd having ſpent all their Iron Bullets, were forced to ake Balls of Bricks, caſt over with Lead to the like eight, which did them great Service; and being thus ncouraged, they made a violent Sally upon the Enemy, ven to the Lord *Clancarty*'s Trenches, and beat him out f them, with the loſs of a 100 of his Men, and many ounded. This Action leſſened the Credulity of the eneral Belief of the *Iriſh*, in Relation of an old Superitious Prophecy, that a *Clancarty* ſhould knock at the ates of *Derry*. Now it being the 30th of *June*, it proed fatal to Major *Baker*, whoſe Death was Univerſally mented, by both the Inhabitants and Garriſon: But ur Days before, Lieutenant General *Hamilton*, ſent e following Propoſals and Conditions of Surrenry to the Town. That Collonel *Oneil* has a Power to diſcourſe with the Governours of *Derry* from General *Hamilton*, as appears by his ſending of this.

Propoſals to *Derry*,

2. That the General has full Power, as does appear by is Commiſſion.

3. That General *Roſen* has no Power from the King intermeddle with Lieutenant General *Hamilton*: That is, to what Articles ſhall be agreed on, they may e by the King's Warrant he has full Power to confirm hem; notwithſtanding if they do not think this ſufficint, he will give what other reaſonable Security they an demand. As to the *Engliſh* Landing, ſuch as had Commiſſions from the Prince of *Orange*, need not be pprehenſive, ſince it will be the King's Intereſt to take s much care of his Proteſtant Subjects, as of any other, e making no diſtinction of Religion.

4. As to what concerns the *Inniskillin* People, they hall have the ſame Terms as thoſe of *Derry*; on their ubmiſſion, the King being willing to ſhew Mercy to ll his Subjects, and quiet his Kingdoms.

That the Lieutenant General deſires no better than having it Communicated to all the Garriſon, he being willing to employ ſuch as will freely ſwear to ſerve His Majeſty faithfully; and all ſuch as have a deſire to live n Town, ſhall have Protection, and free Liberty of Goods and Religion.

As

1689. As to the laſt Point, ſuch as have a mind to return to their Homes, ſhall have a neceſſary Guard with them to their reſpective Habitations, and Victuals to ſupply them where they ſhall be reſtored to all they poſſeſſed formerly, not only by the Sheriffs and Juſtices of the Peace but alſo by Governours and Officers of the Army, who from time to time will do them right, and give them Repriſal of Cattle, for ſuch as have taken them to the Mountains.

At the Camp at *Derry*,
27th *June* 89.

Richard Hamilton

Theſe Propoſals were ſcornfully rejected by the Inhabitants, and not without ſome reproachful Reflection upon the Meſſenger, as having betrayed his Truſt, and revolted to the Enemy (for this Lieutenant was ſent from King *William* to *Tyrconnel*, in order to perſwade him to ſubmit to his Majeſty) but he was ſo far from it after his Arrival in *Ireland*, that he was very Inſtrumental to engage *Tyrconnel* to the contrary: But to return to the Siege, ſoon after General *Roſen* publiſhed the following Order.

Conrade de Roſen *Mareſchal General of his Majeſties Forces.*

G. *Roſen's* ſevere Order.

'DEclares by theſe Preſents, To the Commanders, Officers Soldiers, and Inhabitants of the City of *London-derry*, That in Caſe they do not, betwixt this and *Monday* next, at Six in the Afternoon, being the 1ſt of *July* 1689, agree to Surrender the ſaid place of *Londonderry* unto the King, upon ſuch Conditions as may be granted them, according to the Inſtructions and Power Lieutenant General *Hamilton* formerly received from the King; That he will forthwith iſſue out his Orders from the Barony of *Imſhone*, and the Sea-Coaſt round about as far as *Charlemont*, for the gathering together of thoſe of their Faction, whether Protected or not, and cauſe them immediately to be brought to the Walls of *London-derry*, where it ſhall be lawful for thoſe that are in the Town (in Caſe they have any Pity for them) to open the Gates, and receive them into the Town; otherwiſe the

they will be forced to ſee their Friends and neareſt Relations all ſtarved for want of Food; he having reſolved not to leave one of them at home, or any thing to maintain them: And that all hope of Succour may be taken away by the Landing of any Troops in theſe Parts from *England*: He further declares, That in Caſe they refuſe to ſubmit, he will forthwith cauſe all the ſaid Country to be immediately deſtroyed; that if any Succour ſhould be hereafter ſent from *England*, they may periſh with them for want of Food: Beſides which, he has a very conſiderable Army, as well for the oppoſing of them in all Places that ſhall be judg'd neceſſary, as for the Protecting all the reſt of his Majeſties dutiful Subjects, whoſe Goods and Chattels he promiſes to ſecure, deſtroying all the reſt that cannot be brought conveniently into ſuch places, as he ſhall judge neceſſary to be preſerved, and burning the Houſes and Mills, not only of thoſe that are in actual Rebellion, but alſo of their Friends and Adherents, that no hopes of eſcaping may be left for any Man: Beginning this very day to ſend his neceſſary Orders to all Governours, and other Commanders of His Majeſties Forces of *Colerane*, *Antrim*, *Carrickfergus*, *Belfaſt*, *Dungannon*, *Charlemont*, *Belturbet*, *Sligo*, *and to* Collonel *Sarsfield* Commanding a flying Army beyond *Ballyſhany*, Collonel *Sutherland* commanding another towards *Inniskillin*, and the Duke of *Berwick* another on the *Fin-water*, to cauſe all the Men, Women and Children, who are any ways related to thoſe in *Londonderry*, or any where elſe in open Rebellion, to be forthwith brought to this place, without hopes of withdrawing further into the Kingdom; that in Caſe before the ſaid *Monday* the 1ſt of *July*, in the Year of our Lord 1689, be expired, they do not ſend Us Hoſtages, and other Deputies, with a full ſufficient Power, to Treat with us for the Surrender of the ſaid City of *Londonderry* on reaſonable Conditions, that they ſhall not after this time be admitted to any Treaty whatſoever: And the Army which ſhall continue the Siege, and will (with the Aſſiſtance of God) ſoon reduce them, ſhall have Orders to give no Quarter, or ſpare either Age or Sex, in caſe they are taken by Force: But if they return to their Obedience, due to their Natural Prince, he Promiſes them, that the Conditions granted them in his Majeſties Name, ſhall be inviolably obſerved by all His Majeſties Subjects; and that He himſelf will have a Care to Protect them

1689.

on

1689. ‘ on all Occaſions, even to take their Parts, if any Inju
‘ (contrary to the Agreement) ſhould be done them
‘ making Himſelf reſponſible for the Performance of t
‘ Conditions, on which they agree to Surrender the ſa
‘ place of *Londonderry* to the King. Given under my Han
‘ this 30th Day of *June*, in the Year of Our Lord, 168

Le Mareſchal Roſe

The News of this Order flew immediately to *Dubl* and before it was put in Execution, the Biſhop of *Me* apply'd himſelf to the King on this Account, and h before His Majeſty the Severity and Barbarity of the O der, as alſo the dangerous Conſequences that would iſſ upon the Execution of it. The late King having hea all what the Biſhop ſaid, with a great deal of Attentio told him, *That he had heard of the Order before, and th he had ſent Orders to ſtop it, that General* Roſen *was a F reigner, and uſed to ſuch Proceedings as were ſtrange to u tho' common in other Places, and that if he had been his o Subject, he would have called him to an Account for it.* Fo all this, the Poor Proteſtants were gathered together i great Numbers; and at the ſame time the General orde ed a Letter, incloſed in a dead Shell or Bomb, witho Powder, to be thrown into the Town, ſignifying to th Soldiers what Terms had been offered them to Surrende as if the Governour had not communicated the mentio ed Order to the Soldiery; but this made not the lea impreſſion upon the Garriſon, to an inclinableneſs Surrender, notwithſtanding ſome Perſons diſperſed ſev ral Copies to the like purport among the Garriſon an Townſmen, but nothing would move them from the ſteady Reſolution. Upon this, the Beſiegers drove th Priſoners that they had gathered in the adjacent Cou tries, to the number, as ſome ſay, of Seven Tho ſand under the Walls, very poor Wretches, moſt them being ſtrip'd naked, and ſome kept a who Week without Meat or Drink, a great many of all Ag and Sexes periſhed: Upon theſe at firſt, the Garriſo ignorant of what they were, fired, yet as Providence o dered it, very few were killed, and before they woul ſuffer them to retire, the Beſieged were forced to bui Gallowſes, whereupon they threatned to hang all th Priſoners they had taken ſince the Siege, upon whic on the Interceſſion of ſome Perſons, Lieutenant Gener

H

Hamilton and *Roſen*, permitted the Captives to retire un- 1689.
to their Habitations; but ſome of them that were fit for
Arms, got into the Town, which proved an Advantage
to the Garriſon: For all this, ſome there were not
wanting to put an ill Conſtruction upon their Admiſſion
into the Town, as if the Governour intended thereby
to deliver it up to the Enemy, but upon a right Under-
ſtanding of his ſincere Reſolution to defend the Place to
the laſt Extremity, this falſe Rumour vaniſhed: And
the Governour upon Regimenting his Men on the 25th
of *July*, found the Garriſon reduced by Famine, Sallies,
and other Diſaſters, to 4892 effective Men: However,
They made a vigorous Sally that ſame day, with a De-
ſign to bring in ſome Cattle that were in Poſſeſſion of
the Beſiegers in ſight of the Town, tho' the Garriſon
failed in their main intent to get the Cattle, yet they
made a conſiderable Slaughter of their Opponents.

By this time the Garriſon upon Computation was re-
duced to 4456 Men, and the Famine daily increaſed, inſo-
much that Horſe Fleſh was ſold for 1 *s.* 8 *d. per* Pound,
the Quarter of a Dog for 5 *s.* and 6 *d.* a Dog's Head 2 *s.*
6 *d.* a Cat 4 *s.* 6 *d.* and ſo of other things proportionably;
as Mice, Rats, Tallow, Greaſe, *&c.* which dire Famine
made not only eatable without any Compoſitions, but
were deemed Rarities and Dainties at that time. And
it is remarkable in this Conjuncture, That one fat Man,
that uſed to walk up and down among the Garriſon,
whoſe Fatneſs in that famiſhing time drew the Eyes of
moſt People upon him, more out of Admiration as was
ſuppoſed, than any thing elſe, yet he reſented their taking
notice of him ſo, that out of Fear that they deſigned to
feed upon him, he abſconded and hid himſelf for ſome
time. The Town being under theſe deplorable Exigen-
cies, and the Enemy ſtill before their Wall, at laſt on
the 30th of *July*, an Hour after Sermon, ſome Ships in
the *Lough* were diſcovered ſailing towards the City: For
Major General *Kirk* finding the place could not hold
out much longer, order'd the *Mountjoy* and *Phœnix*,
both laden with Proviſion to force their way through,
which they did, with great Reſolution, and the Enemy
without any Intermiſſion fired upon them from the Fort
of *Culmore*, and both ſides of the River. Here the *Mont-
joy* made a ſtop at the *Boom* croſs the River, and by a
rebound was run aground, at which the Beſiegers ſhout-
ed, and prepared their Boats to Board her, but were
beat

1689. beat off by Captain *Douglass* Master of the *Phenix*, and the *Dartmouth* that was their Convoy, gave them warm Entertainment, ſo that the *Mountjoy* by their Aſſiſtance, and by diſintangling her ſelf from them, that were to Board her by firing a Broadſide upon them, got clear off, to the inexpreſſible joy of the Diſtreſſed Garriſon; and that very Night the Beſiegers raiſed the Siege in great Diſorder, and in their Retreat made a ſad havock of the Country, Burning and Plundering all before them. Tho' they were purſued by the Beſieged, and ſome Parties of the *Iniskillin* Men, who cut ſeveral of them off, they at laſt encamped at a place called *Strabane*, where we leave them at preſent, and ſee what loſs both Parties had ſuſtained during this terrible Siege.

Derry relieved.

Upon the firſt Regimenting, when Major *Baker* and Mr. *Walker* were choſe Governours, the Soldiers and Officers appeared to be 7350 in number, and now there had not above 4300 left, whereof at leaſt the fourth part were rendred unſerviceable; and the Beſiegers, who continued the Siege from their firſt Appearance before the Town 105 Days, loſt above 8000 Men, and about a 100 of their Officers. Now ſince we have inſiſted ſo long upon this Memorable Siege, and that the bringing of it to a Concluſion, has carried us in point of time, beyond many other Tranſactions in this Kingdom, not to be omitted in this Hiſtory, therefore firſt we will return to the King himſelf now at *Dublin*; where on the 7th of *May* the Parliament met, and His Majeſty entred the Houſe the ſame day with his Robes and Crown, and made the following Speech.

My Lords and Gentlemen,

K. *James's* Speech to the *Iriſh* Parliament.

THE Exemplary Loyalty which this Nation expreſſed to me at a time, when others of my Subjects ſo unduti-ful Misbehave themſelves to me, or ſo baſely betrayed me, and your ſeconding my Deputy, as you did in his bold and reſolute aſſerting my Right, in preſerving this Kingdom for me, and putting it in a poſture of Defence, made me reſolute to come to you; and to venture my Life with you in defence of your Liberties, and my own Right, and to my great Satisfaction I have not only found you ready to ſerve me, but that your Courage hath equalled your Zeal.

I have always been for Liberty of Conſcience, and againſt Invading any Man's Rights or Liberty. Having ſtill in mind that Saying of Holy Writ, Do as you would be done to; for this is the Law and the Prophets.

It was this Liberty of Conſcience I gave, which my Enemies both at Home and Abroad dreaded to have eſtabliſhed by Law in all my Dominions, and made them ſet themſelves up againſt me, tho' for different Reaſons; ſeeing that if I had once ſettled it, my People (in the Opinion of the one) would have been too happy (and in the Opinion of the other) too great. 1689.

This Argument was made uſe of to perſwade their own People to joyn with them, and ſo many of my Subjects to uſe me as they have done: But nothing ſhall ever perſwade me to change my Mind as to that, and whereſoever I am the Maſter, I deſign (God willing) to eſtabliſh it by Law, and have no other Teſt or Diſtinction but that of Loyalty. I expect your Concurrence in ſo Chriſtian a Work, and in making Laws againſt Prophaneneſs, and againſt all ſorts of Debauchery.

I ſhall moſt readily conſent to the making ſuch good wholeſome Laws, as may be for the good of the Nation, the Improvement of Trade, and relieving ſuch as have been injured by the late Acts of Settlement, as far forth as may be conſiſtent with Reaſon, Juſtice, and the Publick Good of my People.

And as I ſhall do my part to make you Happy and Rich, I make no doubt of your Aſſiſtance, by enabling me to oppoſe the unjuſt Deſigns of my Enemies, and to make this Nation flouriſh.

And to encourage you the more to it, you know with how great Generoſity and Kindneſs the moſt Chriſtian King gave me Retreat to the Queen, my Son, and my ſelf, when we were forced out of England, *and came to ſeek for Protection and Safety in his Kingdoms: how he embraced my Intereſt, and gave me ſuch Supplies of all ſorts, as enabled me to come to you, which without his obliging Aſſiſtance, I could not have done: This he did at a time, when he had ſo many and conſiderable Enemies to deal with, and you ſee ſtill continues ſo to do.*

I ſhall conclude as I have begun, and aſſure you, I am as poſſible as you can deſire of the ſignal Loyalty you have expreſſed to me, and ſhall make it my chief Study, as it has always been, to make you and all my Subjects Happy.

No ſooner had the King made an end of his Speech and had withdrawn, but Sir *Richard Negle* Attorney General, who was choſen Speaker of the Houſe of Commons, made a Speech to the Houſe to this Effect. *That they were highly obliged to the* French *King, and the Duke*

of

1689. of Tyrconnel for that Glorious Meeting, and how [illegible] was for both Houses to return to His Majesty Thanks for [illegible] Gracious Speech. An Address of Thanks was drawn accordingly, and presented to the King; then a [illegible] was brought in, containing a Recognition of the Kin[illegible] Title, and an Abhorrence of the Prince of Orange's [illegible] surpation and Defection of the English: And about t[illegible] same time, His Majesty Published the following Dec[illegible] ration.

JAMES R.

K. James's Declaration to his English Subjects.

ALtho the many Calumnies and dismal Stories, by wh[illegible] our Enemies have endeavoured to render us and [illegible] Government odious to the World, do now appear to have b[illegible] advanced by them, not only without any Ground, but a[illegible] their own certain Knowledge; as it is evident by their not d[illegible] to attempt the proving these Charges to the World, which [illegible] cannot but hope hath opened the Eyes of our good Subje[illegible] to see how they have been imposed upon by designing M[illegible] who to promote their own ambitious Ends, care not what [illegible] very they reduce our Kingdoms to: Yet we cannot but rejo[illegible] that we have had an Opportunity to demonstrate the Falsc[illegible] and Malice of their Pretences, since our arrival in this K[illegible] dom of Ireland, by making it our chief Concern to satisfy [illegible] Minds of our Protestant Subjects: The Defence of your R[illegible] gion, Privileges and Properties, is equally our Care, with [illegible] Recovery of our Rights. To this end, we have preferred s[illegible] of them, of whose Loyalty and Affection we are satisfied, [illegible] Places both of the highest Honour and Trust about our Per[illegible] as well as in our Army. We have, by granting our R[illegible] Protection to such, whose Minds were shaken by the Ar[illegible] our Rebellious Subjects, dispell'd their Apprehensions, [illegible] effectually secured them against the Attempts of their [illegible] vate Enemies. Our Ear hath been always open to their [illegible] Complaints; and so far hath our Royal Mercy been exte[illegible] to those who were in Arms against us, that we have alr[illegible] Pardoned several Hundreds, of them, and most Now[illegible] Criminals are kept in an easie Confinement (as they themse[illegible] acknowledge.)

We have taken care that our Subjects of the Church of E[illegible] land be not disturbed in the Exercise of their Religion, [illegible] Possession of their Benefices and other Properties; and al[illegible] testant Dissenters enjoy the Liberty of their Consciences, w[illegible] out any Molestation: And out of our Royal Care for the [illegible] spe[illegible]

erity of our People, we have recommended to our Parlia- 1689.
ment, as the first Thing necessary to be dispatched, to settle
ch a Security and Liberty, both in Spiritual and Temporal
latters, as may put an end to those Divisions, which have
en the Source of all our Miseries; being resolved, as much
in us lies, to entail Liberty and Happiness upon our Peo-
, so far as to put it out of the Power of Successors to In-
de the one, or Infringe the other. And this we take God
Witness, was always our Design; of which we see our good
bjects here are more and more convinced, by the great
mbers of those, who having been seduced or frightned by
restless Importunities of our Enemies, are returned to
ir Country and Habitations, and who assure us daily more
uld follow, if the Ports were open: But the Usurpers know
well the Sincerity of our Intentions, to permit a free Passage
our said Subjects; fearing nothing more than that their Ex-
ance should undeceive the rest, who are restrained more
ugh Ignorance than any ill Intention: And therefore de-
them that Liberty which we afford to all, whose Design
re satisfied tend not to the Disturbance of the Peace.
By this our Gracious and Royal Care of our Protestant Sub-
s here (where the greatest part of our Nation is Catholick)
have, as well as we, received the highest Provocation
their Fellow Subjects of contrary Persuasions: So that
ing but our own Inclination to Justice, and desire to see
People Flourish, could move us to such a Proceeding.
hope our Subjects in England will make a Judgment of
they expected from us. And we do hereby promise and
are, That nothing shall ever alter our Resolutions, to pur-
such and no other Methods, as by our said Subjects in
iament shall be found proper for our common Security,
e and Happiness. And that none may be debarred of as-
g us in recovering our Rights, and redeeming our Peo-
from their present Slavery, out of any Apprehension from
Miscarriages; we do hereby assure all our Subjects, of
Quality soever, let their Crimes against us be never so
, That, if in Twenty Days after our appearing in Person
e Kingdom of England, they return to their Obedience,
serting our Enemies, and joining with us, we will grant
our full Pardon, and all past Miscarriages shall be for-
So little do we delight in the Blood or Ruin of our Peo-
But if after this our gracious Condescension, they shall
continue to assist our Enemies and Rebels, we do before
charge all the Blood which shall be afterward shed, up-
them and their Adherents. And, we doubt not, by the

1689. *Bleſſing of God upon our Arms, to force the moſt obſtinate to their Duty: Tho, as we have made appear in reducing our Rebellious Subjects in this Kingdom, we deſire to uſe no other Methods than* Lenity *and* Mercy.

Given at our Court in *Dublin* Caſtle, the 18th of *May*, 1689. in the Fifth Year of our Reign.

God ſave the KING.

It cannot be expected that I ſhould give a perfect Journal of the Proceedings of this Parliament, or take notice of every Bill brought into the Houſe, that paſſed, or did not, into a Law, during their Seſſions; but I am to inform you, that they were ſo Zealous for the King's Cauſe, that they granted him a Tax of 200co*l.* a Month, for 13 Months; the Payment of which, in the Condition the Kingdom was then in, could not be reaſonably expected, without taking indirect Means; but now (it being the 13th of *May*,) a Bill was brought into the Houſe by Chief Juſtice *Nugent* for Repealing the Act of *Settlement*; which before it paſſed into an Act met with great Oppoſition, eſpecially from the Proteſtant Party, as you may ſee from the following Speech made by the Lord Biſhop of *Meath*, *June* the 4th, in the Parliament Houſe againſt it.

Biſhop of *Meath*'s Speech.

My Lords,

'YOur Lordſhips have now under your Conſideration a Bill of great Weight and Importance; for the future Proſperity or Ruin of the King and Kingdom depends upon it: A Bill that unſettles a former Foundation (upon which this Kingdom's Peace and Flouriſhing was ſuperſtructed) and deſigns to erect another in its ſtead; the ſucceſs whereof is dubious and uncertain: I ſhall therefore humbly crave your Leave to preſent my Thoughts candidly and impartially upon it, and that ſo much the rather, becauſe I am here admonned by the King's Writ, to give his Majeſty my beſt Advice for his own Service, and the Good of the Nation.

'*My Lords*, In every Law two Things are to be conſidered: Firſt, That it be Juſt and doth no Man wrong. Secondly, and that it be *pro bono Publico*; and I am humbly of Opinion, that this Bill is Faulty in

these respects, and therefore ought not to pass this House. It is unjust to turn Men out of their Possessions and Estates, without any Fault or Demerit; to deprive Widows, of their Joyntures, and Children of their Portions, when they have done nothing to forfeit them. But the Injustice will rise much higher, if we consider it with respect to Purchasers, who have laid out all their Substance upon Estates deriv'd under the Acts that now are designed to be repealed. What have they done to make them Delinquents, except it be the laying out their Mony on the Publick Faith of the Nation, declared in two Acts of Parliament, and on the Publick Faith of His Majesty's Royal Brother, expressed in his Letters Patents? Their Case is yet harder, if we consider the great Improvement they have made upon their Purchase, which by this Bill they are like to lose, without any Reprizal for them: And if it be reasonable to restore the Old Proprietors to their Estates, 'tis enough for them to enjoy them in the same Plight and Condition that they left them. But I see no reason why they should have them in a better Condition, or enjoy the Benefit of other Mens Labour and Expences, to the utter ruin of them and their Families: Here Mercy should take place as well as Justice, for the Purchasers are the Objects of them both. 1689.

'Two things I am sensible may be reply'd to this, and I am willing to consider them both. First, That if it be unjust to turn them out; It is as unjust not to restore the Old Proprietors, who have been so long kept out of their Estates. Secondly, That there is no injury done to this present Possessor, because he is to be Reprized for his Losses.

'As to the first of these, I shall not at present meddle with the Reasons why they lost their Estates, nor touch upon the Grounds and Occasions of their forfeiting their Interest in them, being sensible that neither the Time nor the Place will admit a Discourse of this Nature: I shall therefore take it for granted, that they were unjustly put out; that it is just and reasonable that they should be restored: But then it must be granted, that it is unjust to turn out the present Purchaser and Possessor. What then is to be done in this Case, where the Justice or the Injury is alike on both sides? If we restore the Old Proprietor, we Injure the present Possessor; if we do it not, we injure the Old Proprietor.

1689. 'My Lords, It is my humble Opinion (which I sub-
'mit to your Lordships better Judgments) that we are t
'consider in this Case, who hath most Justice on hi
'Side, and incline the Ballance that way: If it lies o
'the Old Proprietor's side, let him have it; if not, l
'the present Possessor enjoy it. Now it appears to m
'that the Purchaser hath more Justice on his side than th
'Old Proprietor: For he has both Law and Equity o
'his side. He hath the Law on his side by two Acts
'Parliament, and the King's Letters Patents; and he ha
'the Equity by his Purchase Mony: Whereas the o
'Proprietor hath the Law against him, and nothing b
'Equity to pretend to. And I hope your Lordshi
'will never think it reasonable, to relieve a bare equ
'table Right against a Purchaser that hath both L
'and Equity: If you do, I am confident it is the fi
'Precedent of this kind.

'As for the *Reprizals*, I hear the Name of them in t
'Bill, but I find nothing agreeable to the Nature of the
'There are certain Conditions agreed on all Hands,
'make up the Nature of a Reprizal; none of which
'like to be observed or kept here. I shall name so
'of them, and leave it to your Lordships Considerati
'how far they are like to be performed with the pres
'Purchasers.

'It is necessary to a Reprizal, that it be as good
'least, if not in some respects better than the thing
'to part with: That I my self be Judge, whether it
'better or worse; that I keep what I have till I
'Reprized. If my Neighbour comes to me, and t
'me, That he hath a mind to my Horse, or to a Fi
'of mine that lies convenient for him, I tell him,
'I have no mind to part with them: He offers me M
'ny for them: I tell him, That I will not sell th
'He tires me out with Importunities, and at leng
'consent to part with them in Exchange for some o
'things as good as they: But I tell him withal, Th
'my self will be judge whether they are so or not,
'it is at his Importunity, and to please him that I
'with them: And besides that, I am resolved to be
'sessed of the Equivalent at the same time that I
'with my own, there being no reason why I sh
'Dance Attendance after him, and wait his Leisur
'my Reprizal.

1689.

'*My Lords*, If these be the true Condition of Reprizals, as I presume they are, I am confident that not 'one of them is like to be observed in the intended Reprizals: Not the first of them; for by the Petitions 'that have been before your Lordships Alterations, wherein you have saved all Remainders expectant on Estates 'for Lives, most of the Reprizable Persons must part 'with an Inheritance to them and their Heirs, and get 'only in lieu of it an Estate for Life, which will determine with the Life of the Forfeiting Persons: So here 'is not equal Value, Worth and Purchase.

'Not the Second: For the Parties themselves are not made the Judges, but the Commissioners: And I dare say, That if they were made the Judges, there is not one of them that are to be turn'd out, that will part with their present Possessions, or that judge the Reprizal to bear any Proportion with the Estates they are to quit.

'Not the Third: For, by the Commons Bill, they are to be turn'd out immediately, and wait for a Reprizal afterward; and all the Favour they can obtain from your Lordships, is only to have a competent Time for their removal, (which may be long or short, as the Commissioners please) but out they must go at the discretion of the Commissioners, and wait their leisure for a Reprizal.

'This is the first Objection against this Bill. The next is, that it is not for the Publick Good, either for the King or the Kingdom, or the People in it: It is not for the Good of the King, who is the Vital Head of this great Body, and that whether we respect his Majesties Honour or Profit.

'It is not for his Majesties Honour to consent to the Ruining of so many Innocent, Loyal Persons, as must unavoidably perish, if this Bill doth pass: It is not for his Honour to rescind those just Acts of his Royal Father and Brother, the Act for Adventurers passed in *England*, and the Declaration and Acts of Settlement and Explanation, which if I am not misinformed, were five Years upon the Anvil, and at last not pass'd, till all Parties were fully heard. It is not for his Majesties Honour to break his Word with his People, nor violate so many repeated Promises as he hath made, that he would not consent to the Repeal of them.

1689. 'And as it is not for his Honour, ſo it is not for his
'Profit or Advantage: It will neither preſerve him in
'the Kingdom that he enjoys, nor reſtore him to thoſe
'he has unhappily loſt. His Profit in this Kingdom muſt
'ariſe out of a conſtant Payment of his Revenue both
'Ordinary and Extraordinary: And who is able to pay
'if this Bill paſſeth into a Law? The Proteſtants are not
'able, the Rapparees have plunder'd them of all their
'Subſtance, and here is a Bill to take away their Eſtates
'and conſequently they will have nothing left to pay the
'Publick Taxes of the Nation. And as for the Roma-
'niſts, they will be in as ill a Condition as the Proteſ-
'tants. The old Propietor comes poor and hungry into
'to his Eſtate, and can pay nothing until his Tenant
'raiſe it; and the preſent Poſſeſſor loſeth the Benefit of
'his Purchaſes and Improvements; and who then is able
'to ſupply the Neceſſities of his Majeſty? Beſides this
'in many parts of the Kingdom, the Land is hardly able
'to pay the King's Quit-Rent, by reaſon of the Univer-
'ſal Depredations that Reign every where; and can
'be imagin'd, but that things will grow far worſe when
'the ableſt Catholick Merchants, and the moſt wealthy
'Purchaſers of that Communion are ruined and un-
'done?

'And as it is not for the King's Profit in this King-
'dom, ſo it is to the utter Ruin of his Intereſt in the
'Kingdoms that he has loſt. Will the Proteſtants of
'*England* and *Scotland* join heartily in reſtoring him to
'his Crown, when they underſtand how their Brethren
'here are uſed? No, *My Lords*, they will rather betake
'and unite all their Forces to hinder his Reſtitution,
'when they conſider that the Miſchief is like to come
'Home to their own Doors, and that what is a doing
'here, is but a Model of what they muſt ſuffer, if he be
'reſtored. Will they truſt his Word in *England*, when
'he breaks it in *Ireland*, or rely on his Promiſes to
'them, when he doth not keep them to his Subjects
'here? This, My Lords, will abate their Affections to
'him, and gain him more Enemies there than he can
'have Friends here.

'It is not for the Good of the Kingdom, and that
'we conſider it in Reference to Trade, Wealth, Im-
'provements, and Husbandry.

'It will ruin the Kingdom in point of Trade. Divine
'Providence hath placed us in an Iſland, where we may
'Tra-

Trade or want many Conveniencies of Life, and can we expect that the Trade of this Nation will increaſe in our Hands, when we find it ſunk ſo low by the Removal of the Proteſtant Merchants Effects out of the Kingdom? And for thoſe Catholick Merchants that carry it on in ſome meaſure; can we believe that they will be able to carry it on, when we are ruining their Stocks by taking away their Eſtates and Improvements from them? Nay, we ſhall not only ruin our own Traders at home, but break their Correſpondents abroad, whoſe Effects are in their Hands. We have paſſed a Bill in this Houſe, for the inviting Strangers to Settle and Trade among us; but it is worth conſidering, Whether the Courſe we are now taking, will not hinder the Nation of the intended Benefit of that Bill? For, if Foreign Merchants come among us, what Security have they, but the Publick Faith of the Nation? And it is not probable that Strangers will rely upon it, when they obſerve that it is ſo ill kept towards our own People. 1689.

'If Trade decays, the Wealth of the Nation muſt periſh with it; for they live and die together. Wealth cannot ſubſiſt without Trade, or without Security for Debt: And who will ever lend Money, or Purchaſe, or Improve in this Kingdom after this? When the Money that hath been lent, and the Purchaſes made from Perſons deriving their Eſtates under two Acts of Parliament, many Years Poſſeſſion, and Letters Patents on Record, are all blown off at once, and nothing left ſure or firm in the Kingdom? For my part, I cannot underſtand that any Man will purchaſe an Acre of Land hereafter, when former Purchaſers that thought themſelves ſecure, are ſo much diſcouraged. Improvements muſt periſh likewiſe: For by the Petitions that have been preferred to this Houſe, your Lordſhips may perceive that ſome Proprietors have but ſmall Eſtates, 20, 40, or 1000 Acres, on which ſumptuous Houſes, and large Gardens and Orchards have been erected, and the Income of their Eſtates is not able to repair the Glaſs-Windows, or defray the Wages of the Gardiner. And as for Husbandry, what between the old Proprietor that is to be reſtor'd, and cannot manure the Ground till he is poſſeſſed of it, and the preſent Poſſeſſor, that knows not how long his Term will hold, and therefore will be at no Charges upon a Term that depends

1689. 'on the Will of the Commiſſioners, we ſhall have th
'Plough neglected, and muſt feed on one another in
'ſtead of Corn.

'*My Lords*, This is not all the Inconveniences in i
'but it is likewiſe to the prejudice of the People in th
'Kingdom, both Proteſtants and Catholicks: The Pro
'teſtants are already ruin'd by the Rapparees, and
'their Eſtates are taken from them, I know nothin
'wanting to make them compleatly miſerable. Th
'rich Catholicks have as yet eſcap'd the Depredatio
'of their Neighbours, but they will be almoſt as miſ
'rable as the Proteſtants, when their Eſtates and Im
'provements are taken from them.

'*My Lords*, This Bill doth likewiſe deſtroy the *Pu*
'*lick Faith* and Credit of the Nation; it deſtroys th
'Credit of *England* by Repealing the Act paſs'd the
'for the Satisfaction of Adventurers; it deſtroys th
'Publick Faith of *Ireland* by Repealing the *Acts of Se*
'*tlement and Explanation*; it violates the Faith of his la
'Majeſty, which hath been paſs'd to his Subjects in h
'Gracious Declaration for the Settlement of this Kin
'dom, and in his Letters Patents purſuant to it.

'It ſubverts the Credit of his preſent Majeſty in h
'Letters Patents, that he hath paſs'd ſince his coming
'the Crown on the Commiſſion of Grace, for he has r
'ceiv'd the Compoſition Money; and if theſe Gra
'muſt be vacated, I cannot forbear to ſpeak it plain
'that the Subject is deluded; it commits a Rape up
'the Common Law, by making all Fines and Recov
'ries uſeleſs and ineffectual; and it invades the Prop
'ty of every private Subject, by deſtroying all Settleme
'on valuable Conſiderations.

'*My Lords*, This Bill is *Inconvenient in Point of Ti*
'Is it now a time for Men to ſeek for Vine-yards a
'Olive-yards, when a Civil War is raging in the N
'tion, and we are under Apprehenſions (I will not
'Fears, for it is below Men of Courage to be afraid)
'Invaſions from abroad? Is it not better to wait for m
'peaceable Times, and *Poſtpone* our own Concerns
'the Concerns of His Majeſty and the Publick Peace
'the Nation? To do otherwiſe, is to divide the Sp
'before we get it, to diſpoſe of the Skin before we ca
'the Beaſt. We cannot in this Caſe ſet a better Pr
'dent before us, than the Caſe of the *Iſraelites* in
'Book of *Joſhua*; they had the Land of *Canaan* gi
'th

them by God, but yet *Joshua* did not go about to make a Distribution of it to the Tribes, till they had subdued their Enemies, and the Lord had given them Peace. Nay, *My Lords*, I am confident that it will prejudice His Majesty's Service, because every Man's Eye and Heart will be more on his own Concerns, than His Majesty's Business: It is possible that their Affections may be more set upon the gaining of their Estates, than fighting for the King; and then all their Endeavours will be drowned in the Consideration of their own Profit. *Moses* was jealous of this when the two Tribes and an half desired to have their Possessions on this side *Jordan*, before the Land was intirely subdued; and there may be the same Motives to the like Suspicions now. 1689.

'*My Lords*, Either there was a Rebellion in this Kingdom, or there was not: If there was none, then we have been very unjust all this while, in keeping so many Innocents out of their Estates; and God forbid that I should open my Mouth in the Defence of so gross an Injustice. But then what shall we say to His Majesty's Royal Father's Declaration in his Εἰκὼν Βασιλική, who there owns that there was a Rebellion; and in pursuance of that Opinion, passed an Act to secure such as should adventure Money for the suppressing of it? Nay, What shall we say to the two Bills that have been brought into this House? The one by an honourable Lord, which owns it fully; the latter from the Commoners, which owns a Rebellion, but extenuates it. I take it then for granted that there was a Rebellion; and if so, it was either a total, or a partial one: If it was a general one, then all were guilty of it, and none can pretend to be restored to his Estate, farther than the King in his Mercy shall think fit to grant it him: If it was a partial one, then some Discrimination ought to be made between the Innocent and the Guilty; the Innocent should be restored, and the Guilty excluded from their Estates. But here is a Bill that makes no distinction between them, but Innocent and Nocent are all to fare alike; the one is to be put in as good a Condition as the other. And can your Lordships imagine that it is reasonable to do this, when we know that there has been a Court of Claims erected for the Tryal of Innocents; that several have put themselves upon the Proof of their Innocence, and after a

'full

1689. 'full Hearing of all that they could offer for themſelv
'have been adjudged Nocent?

'*My Lords*, I have ventured Candidly and Impar
'ally to lay my Thoughts before you; and I have
'other deſign in it, than honeſtly to acquit my Conſc
'ence towards my King and Country. If my Freedo
'hath given your Lordſhips any Offence, I do here ſu
'miſſively beg your Pardon for it; but it is the Conce
'of the Nation in general, that hath made me ſo war
'in this Affair. I have but one thing more to add, Th
'God would ſo direct and inſtruct your Hearts, t
'you may pitch upon thoſe Courſes, that may be f
'the Honour of the King, and the Benefit of the Kin
'dom.

Objections againſt the Particulars of the Bi *made by the Lord Biſhop of* Meath.

I. NO Penalty on ſuch as ſhall enter without Inju
ctions.
II. No Conſiderations for Improvements.
III. No ſaving for Remainders.
IV. No time given to Tenants and Poſſeſſors, to remo
their Stock and Corn.
V. No Proviſions for Proteſtant Widows.
VI. It allows only Repriſals for Original Purchaſe-M
ney, which is hard to make out, and is an Injury
the ſecond or third Purchaſer.

Notwithſtanding the Validity of my Lord's Rea
againſt the Bill, the Lord Chancellor *Fitton*, *River*
and many others, argued for it; but the next day,
the 5th of *June*, the following Proteſtation was brou
to the Clerk of the Parliament.

'WE the Lords Spiritual in Parliament Aſſemb
'whoſe Names are hereafter Subſcribed, hav
'for divers Reaſons, then humbly offered to the H
'of Lords, diſſented from paſſing the Bill into a L
'ſent up to this Honourable Houſe from the Hou
'Commons, intitled, *An Act for Repealing the* [illegible]
'*Settlement and Explanation*, &c. and having obta
'leave from the Houſe of Lords to enter our Diſſen

ainſt the ſaid Bill, do accordingly ſubſcribe our Dif- 1689.
ent from the ſaid Bill.

Signed, *Meath.* *Oſſory.* *Cork.* *Lymerick.*

Notwithſtanding this Proteſtation, the contrary Par- being more numerous, ſtood firm for the paſſing of e Bill, which made Chief Juſtice *Keating*, with the pprobation and Conſent of other Proteſtants, draw up Addreſs to the late King; which was preſented to s Majeſty by the Lord *Granard*, and runs thus:

THis humble Repreſentation made unto your Sacred Majeſty, is in the behalf of many Thouſands of our Majeſty's Dutiful and Obedient Subjects of all Degrees, Sexes, and Ages. The Deſign and Intention of it, is to prevent the Ruin and Deſolation, which a Bill now under Conſideration, in order to be made a Law, will bring upon them and their Families, in caſe your Majeſty doth not interpoſe; and by your Moderation and Juſtice protect them ſo far as to the known Laws of the Kingdom, and Equity and good Conſcience will warrant and require. Addreſs to King *James* about the Act of Settlement.

'It is in the behalf of Purchaſers, who for great and valuable Conſiderations, have acquired Lands and Tenements in this Kingdom; by laying out not only their Portions and Proviſions made for them by their Parents, but alſo the whole Product of all their own Induſtry, and the Labour of their Youth; together with what could be ſaved by a frugal Management, in order to make ſome Proviſion for old Age and their Families, in purchaſing Lands and Tenements, under the Security of divers Acts of Parliaments, Publick Declarations from the late King: And all theſe accompanied with a Poſſeſſion of twenty five Years.

'Divine Providence hath appointed us our Dwelling in an Iſland; and conſequently, we muſt Trade or live in Penury, and at the Mercy of our Neighbours. This neceſſitates a Tranſmutation of Poſſeſſions, by purchaſe from one hand to another, of Mortgaging and Pledging Lands for great and conſiderable Sums of Money, by charging them with Judgments; and indeed, gives

'Name

1689. 'Name to one of the greateſt Securities made uſe of
'this Kingdom, Statutes Merchant, and of the Sta
'and very many, eſpecially Widows and Orphans, h
'their whole Eſtates and Portions ſecured by Mortga
'Bond of the Staple and Judgments.

'Where or when ſhall a Man Purchaſe in this Ki
'dom? Under what Title or on what Security ſhall
'lay out his Money, or ſecure the Portions he deſign
'his Children; if he may not do it under the Securit
'divers Acts of Parliament, the ſolemn and reitera
'Declarations of the Prince, and a quiet and uncon
'lable Poſſeſſion of twenty Years together? And thi
'the Caſe of Thouſands of Families who are Purcha
'under the Acts of Settlement and Explanation.

'It were a hard Task to juſtify thoſe Acts in every
'ticular contained in them; I will not undertake it:
'if it be conſidered, that from the 23d of *October*, 16
'until the 29th of *May*, 1660. the time of his Maje
'Reſtoration, the Kingdom was upon the Matter in
'continued Storm: The Alterations of Poſſeſſions w
'ſo univerſal, and Proprietors ſo blended and mixed
'Allotments and Diſpoſitions made by the then uſurp
'Powers, it may be well concluded, that they muſt
'ſomewhat more than Men, that could or can fram
'Law to take in every particular Caſe, tho' it ſho
'have a Regard to the Generality of a Kingdom or P
'ple, tho' poſſibly ſome particular Perſon may have ſo
'Hardſhip in his private Concern.

'But if we may judge of General Laws, by the
'duce and Effect of them, and at the ſame time ha
'Proſpect of the Eſtate and Condition of this King
'from 1640. and as far backwards as you pleaſe, u
'the time of his late Majeſty's Reſtoration; and at
'ſame time take into Conſideration what the King
'became in few Years after the Commiſſions for the
'cution of thoſe Acts were at an end: The Buildi
'and other Improvements; the Trade and Comme
'the vaſt Herds of Cattle and Flocks of Sheep, equ
'thoſe of *England*; together with great Sums of Mo
'brought over by our Fellow-Subjects of *England*,
'came to Purchaſe and Plant in this Kingdom: The
'nufactures ſet on foot in divers Parts; whereby
'meaneſt Inhabitants were at once Inriched and C
'liz'd, it would hardly be believed it were the ſame
'of Earth: Nay, over-flown and Mooriſh Grounds w

duced to the bettering of both Soil and Air. The Purchasers who brought the Kingdom to this flourishing Condition, fly to your Majesty for Succour, offering not only their Estates and Fortunes, but even their Lives to any Legal Tryal within this your Majesty's Kingdom, being ready to submit their Persons and Estates to any Establish'd Judicature; where, if it shall be found, that they enjoy any thing without Legal Title, or do any thing that may forfeit what they have purchased, they will sit down and most willingly acquiesce in the Judgment: But to have their Purchases made void; their Lands and Improvements taken from them; their Securities and Assurances for Money Lent, declared Null and Void, by a Law made *ex post facto*, is what was never practised in any Kingdom or Country. 1689.

'If the Bill now design'd to be made a Law, had been attempted within two, three, four or five Years, after the Court for the Execution of these Acts was ended, the Purchasers would not have laid out their Estates in acquiring of Lands, or Building or Improving on them. Thousands who had sold small Estates and Freeholds in *England*, and brought the Price of them to Purchase or Plant here, would have stay'd at home: And your Majesty's Revenue, with that of the Nobility and Gentry, had never come to the height it did: If your Majesty please to consider upon what Grounds and Assurances the Purchasers of Lands and Tenements in this Kingdom proceed, you will soon conclude, that never any proceeded upon securer Grounds. The Acts of 17 and 18 of King *Charles* your Father, of blessed Memory, take notice, that there was a Rebellion begun in this Kingdom on the 23d of *October*, 1641. And so doth the Bill once read in the House of Lords, whoever looks into the Royal Martyr's Discourse upon that Occasion, will see with an Abhorence he laments it; and that he had once Thoughts of coming over in Person to suppress it.

'Those Acts promise Satisfaction out of Forfeited Lands, to such as would advance Money for reducing those Disturbers of the Publick Peace unto their Duty. The next Invitation was his late Majesty's, your Royal Brother's Letter from *Breda* some few Weeks before his Restoration, which hapned the 29th of *May*, 1660. And within six Months after, came forth his Majesty's most Gracious Declaration for the Settlement of this

'Kingdom.

1689. 'Kingdom. This, may it pleaſe your Majeſty, is
'Baſis and Foundation of the Settlement, and was ſo
'Years after Enacted and made a Law by two ſeve
'Acts of Parliament.

'It is true, that the Uſurping Powers in the Year 16
'(having by the permiſſion of the Almighty, as a
'Judgment on us for our Sins, prevailed here) did
'poſe and ſet out the Eſtates of the Catholicks, unto A
'ventures and Soldiers; and in a Year or two after, tra
'planted all Catholick Freeholders, for no other rea
'but their being ſo, into *Connaught*, where Lands w
'ſet out unto them under divers Qualifications, wh
'they and their Heirs, or thoſe deriving under them
'Purchaſers enjoy'd, and ſtill do enjoy, under the ſe
'rity of the before-mentioned Acts of Parliament and D
'claration.

'His Majeſty's gracious Declaration of the 30th
'*November*, 1660. which I call the Foundation of
'Settlement, was, before it was concluded on, under
'Conſideration of that great Prince, and the Lords of
'Council of *England*, where all Perſons concerned
'the Proprietors, as well old as new, were heard; w
'ever reads it, will find by the main Difficulties wh
'he and his Council met with from the different
'ſeveral Pretenders, what Conſideration was had,
'Care taken, to reconcile the jarring Intereſts, and
'accommodate and ſettle as much as was poſſible,
'Maſs and Body of Subjects here.

'It was ſome Years after, before the Act for the E
'cution of his Majeſty's moſt Gracious Declaration
'came a Law: It was near two Years upon the An
'It was not a Law that paſt in few days, or *ſub ſile*
'It was firſt, according to the then courſe of paſſing L
'here, framed by the chief Governour and Council
'the Kingdom, by the Advice and with the Aſſiſt
'of all the Judges, and of his Majeſties Council lea
'in the Law, and then tranſmitted into *England* to be
'ther conſider'd of by his Majeſty and Lords of his C
'cil there, where the Counſel at Law and Agents o
'Pretenders to the Propriety of Lands of this King
'were heard, and that Act, commonly call'd *the A*
'*Settlement*, approved of and tranſmitted under the
'of *England*, to receive the Royal Aſſent, which it
'after having paſſed both Houſes of Parliament.

The innocent Proprietors being reſtored purſuant to his Act, and ſome Difficulties appearing as to the further Execution of it; another Act paſſed, commonly called the *Act of Explanation*, which went the ſame Courſe, and under the ſame Scrutiny.

It is confeſſed, that tho' they are two Acts, it was by the ſame Parliament, who were choſen according to the ancient Courſe of chuſing Parliaments.

But if any miſcariages were in bringing that Parliament together, or in procuring the aforeſaid Act of Parliament to paſs, which we can in no wiſe admit; and the leſs, for that your Majeſties Revenue was granted and ſettled by the ſame Parliament, and many good and wholſom Laws therein Enacted; yet it is manifeſt, that nothing of that kind ought to affect the plain and honeſt Purchaſer, who for great and valuable Conſiderations, acquired Lands under the Security aforeſaid, and expended the remainder of his Means in building, Improving, and Planting on them, and that for the following Reaſons.

First, The Purchaſer adviſing with his Counſel, how to lay out to ſecure his Mony, that it may not lie dead, not only to his, but the publick Detriment; tells him, that he is offered a Purchaſe of Lands in Fee, or deſired by his Neighbour to accommodate him with Mony upon the ſecurity of Mortgage or Statute Staple, and upon the enquiry into the Title, he finds a good and ſure Eſtate, as firm in Law as two ſeveral Acts of Parliament of force in this Kingdom can make it; and in many Caſes, Letters Patents upon a Commiſſion of Grace for remedying defective Titles; he finds poſſeſſion hath for many Years gone along with his Title ſeveral Deſcents paſt, and paſſed thro' the Hands of ſeven Purchaſers: He reſorts to the Records, where he meets with Fines and Common Recoveries, the great aſſurance known to the Laws of *England*, under which (by the Bleſſing of God) we live; and tells him there is no Scruple, nor Difficulty of Purchaſing under the Title; ſince he hath Security under two Acts of Parliament, Certificates and Letters Patents, Fines and Recoveries; and that no Law of Force in this Kingdom can ſtir, much leſs ſhake this Title.

How is it poſſible to imagine, that the Legiſlative Power ſhould be made uſe of to void this Man's Eſtate, who perhaps was never in this Kingdom, until after

theſe

1689. 'theſe Acts were Enacted and became Laws? It will
'the like Caſe with all Perſons, who upon the Marri
'of their Children, and conſiderable Marriage Portio
'paid and received, have procured Settlements for Jo
'tures, Portions, and Remainders for their Children
'Grandchildren: And theſe are to be laid aſide, wi
'out any conſideration of Law or Equity in the Caſe
'the Purchaſers, or any Miſdemeanor or Offence comm
'ted by them: Whereby vaſt Numbers of your Majeſ
'Dutiful Subjects, the preſent Proprietors and their I
'ſees, and in very many Caſes, Widows, Orphans, M
'chants, and Traders, will be at one ſtroke routed
'removed from the Poſſeſſions of their Lands and I
'provements, which in many places are more in va
'than the Townſhip whereon they are made. T
'with Submiſſion, without ſome Fraud, Deceit, or I
'fault of the Purchaſer, never was, and it is hoped,
'ver will be done by a People or Nation profeſſing C
'ſtianity: Nor is it for the Honour, Welfare, or Adv
'tage of the King or Kingdom, to have it ſo done, w
'will Strangers, and our Fellow-Subjects of *England*
'*Scotland* ſay? We ſold our Eſtates in *England*, to
'chaſe, improve and plant there: We acquired La
'under as ſecure Titles as Acts of Parliament (the gr
'eſt known Security) could make them. Our Conv
'ances both by Deeds and Matters of Record are all
'ed good, firm and unqueſtionable by any Law in fo
'at the time of the Purchaſe. We have had the Po
'ſion ten, twelve, or fifteen Years, and are grown
'upon them. We have clearly drawn our Effects f
'*England* and ſettled here, not doubting but our Po
'rity might be ſo likewiſe. We have purchaſed An
'ties and Rent-Charges, out of Lands out of the
'Securities: And now the old Proprietors (tho many
'them had ſatisfaction in *Connaught*) would fain ha
'new Law to diſpoſſeſs us of our Eſtates and Impro
'ments made as aforeſaid. It will not be believed,
'the chief of thoſe who drive on this Deſign, ſhou
'Parliament, and elſewhere, which ought to conſi
'the graveſt, wiſeſt, and wealthieſt Free-Holders o
'Kingdom, (for ſuch the Law preſumes them) m
'noiſe with that good and wholſome Advice — *C*
'*emptor* in this Caſe; or think that *Caveat* is pu
'here

The Purchaſer ought to be wary of any Flaw in the 1689
Title, at the time of the Purchaſe made, and purchaſe
his Peril, if any ſuch there be. But who is that Pur-
chaſer that muſt beware of a Law to be made twenty,
thirty, or forty Years after his Purchaſe, or to deſtroy
his Security for Mony lent, or Settlement upon Mar-
riage? This is not a defect in the Title, but (under
Favour) is a precedent which no human Foreſight can
prevent; and if once introduced, no Purchaſer could
ever be ſafe: The worſt of Lotteries affording a ſecurer
way of dealing, than *Ireland* would.

Can it be for your Majeſty's Honour or Advantage
to have Thouſands of Families ruined by ſuch a Pro-
ceeding as this is? What will become of our Credit,
and conſequently of our Trade abroad? Where will be
the Reputation and Publick Faith and Security of the
Kingdom, when Foreign Merchants ſhall know from
their Correſpondence here, that they cannot comply
with their Engagements to them, their Eſtates, Houſes,
and Improvements both in Country and City, which
they had acquired for great and valuable Conſiderations,
and within the Securities of the Laws, are taken from
them by a Law made Yeſterday, in caſe this Bill ſhould
paſs? So that in effect, we are not only contriving to
break and ruin common Traders and Merchants at
home, but even thoſe in Foreign Parts, which will in-
fallibly deſtroy your Majeſty's Revenue, and ſink that of
every Subject.

Surely theſe Particulars and the Conſequences of
them, are worth more than two or three Days Conſide-
ration: Which is as much as this Bill could have ſince
the Parliament was not open'd till the ſeventh of this
Month.

The very Report of what is deſign'd by this Bill,
hath already from the moſt improved and improving
Spot of Earth in *Europe*; from ſtately Herds and Flocks;
from plenty of Mony at 7 or 8 *per Cent.* whereby Trade
and Induſtry were encouraged (and all upon the Secu-
rity of thoſe Acts of Parliament) from great and con-
venient Buildings newly erected in Cities and other
Corporations, to that degree, that even the City of
Dublin, is, ſince the paſſing of theſe Acts, and the
Security and Quiet promiſed from them, inlarged to
double what it was; and the Shipping in divers Ports
are five or ſix times more than ever was known be-

1689. 'fore (to the increaſe of your Majeſty's Revenue) reduc
'this Kingdom, to the ſaddeſt and moſt diſconſo
'Condition of any Kingdom or Country in *Europe*, fro
'Infinite numbers of the Inhabitants having tranſport
'themſelves and Families with what remained unſo
'in Purchaſes and Improvements, as was portable
'their Eſtates into other Kingdoms, that very many
'the Buildings, both new and old in this City, and
'the very Heart and Trading Part of it, are uninhab
'ed and waſte.

'It is grievous to ſee, as you paſs thro' this City, t
'Houſes and Shops ſhut up? The Herds and Flocks
'the Country, are utterly deſtroy'd; ſo that of neceſſ
'the Tenant muſt break, throw up his Leaſe, leave t
'Key under the Door, and the Lands become waſte; a
'from hence will neceſſarily follow, that the Farm-ho
'ſes and Improvements muſt go to decay, and Beef, T
'low, Hides, Wool and Butter (from whence ariſes t
'Wealth of the Country) will fail us.

'What is become of the frequent Declarations ma
'by the Earl of *Clarendon*, and the Earl (now Duke)
'*Tyrconnel*, of your Majeſty's fixt Reſolution, never
'lay aſide the Acts of Settlement and Explanatio
'Why did the Judges in their ſeveral Circuits, declare
'all places where they ſat, unto the Countries there
'ſembled, that your Majeſty was reſolved to preſer
'the Acts of Settlement and Explanation, and that th
'were appointed by the then Chief Governour here,
'declare the ſame unto them? From whence they to
'confidence to proceed in their Purchaſes and Improv
'ments; and (with ſubmiſſion be it ſpoken) if this B
'paſs, are deluded. Shall Patents on the Commiſſi
'of Grace ſignify nothing? The great Seal of *Engl*
'tells them, *they may proceed upon the publick Faith*; a
'here again they become Purchaſers, paying conſide
'ble Fines to the King, to whom Rents were reſerv
'where none were due before, and in many places t
'Rent increaſed; as in caſe of Fairs and Markets gra
'ed, together with the Lands on them, Patents of Lib
'ties of Free Warren, and to incloſe and impale
'Park; ſurely ſome conſideration ought to be had
'thoſe whoſe Money was paid on this account.

'It would be further conſidered, That your Maje
'before your Acceſs to the Crown, had paſſed ſeve
'Lands and Tenements in this Kingdom in Certific

'a

and Patent, purſuant to theſe Acts of Settlement; and 1689.
that you made Leaſes of them, on which many and great Improvements have been made. It is likewiſe true, that your Majeſty ſold and exchanged ſome ſmall proportions of the ſame Lands, and received in Mony twelve Years Purchaſe, for ſome of them; ſome of which your Majeſty convey'd by Fines, and other Aſſurances in Law: And tho' your Majeſty may, if it ſeem meet unto you, part with all that Eſtate, yet it is humbly conceiv'd, it ought to be with reſervation to the Leſſees, and thoſe few Purchaſers, as it was done by *Mary* Queen of *England*, who, tho' zealous in the higheſt Degree, to the Religion ſhe profeſſed, and that ſhe reſtored ſuch part of Lands belonging unto Monaſteries, as remained in her Hands undiſpoſed, did nevertheleſs permit the Grantees and Purchaſers quietly and peaceably to retain ſuch part of them as they were poſſeſſed of by Grant or Purchaſe, and which (for ought appearing) is enjoy'd by them, and thoſe deriving under them, to this Day, tho' ſhe came to the Crown within few Years after paſſing the Act for Diſſolving Monaſteries: For if no Conſideration be had of them, your Majeſty gives away the Term of Years and Improvements from your Leſſees, and the Land from him to whom your Majeſty ſold it, without reſtoring the Purchaſe Mony, than which no caſe can be harder; and without your Royal Aſſent, neither of theſe can be done.

For the Objections commonly made againſt the Acts of Settlement and Explanation, which are uſually, *That many Innocents were never heard, and that there was not time ſufficient for hearing of them.* But how this ſhould affect thoſe who purchaſed after the Acts paſſed, and Certificates and Letters Patents paſſed on them, is not demonſtrable from any Rule of Law or Equity.

The Perſon deſigning to purchaſe, enquires whether the Title of the Land or Tenement to be ſold, be good in Law or Equity; and being aſſured in that, he forbears farther enquiry, being aſſured that never any Purchaſer in Poſſeſſion, having Law and Equity on his ſide, was diſpoſſeſſed by any Perſon whatſoever, upon Ground of Equity; and the Purchaſer here hath the Law with him by the Acts of Settlement, and the Equity by the Payment of his Mony.

1689. 'It is to be wiſhed, that if Widows, Orphans, or
'other Perſons have fallen under hardſhip by the gen
'Settlement of the Kingdom, that ſome way may be
'viſed to make them Reparation; but the way pre
'bed by this Bill, is to rob the innocent Purchaſers, C
'ditors and Orphans of their Eſtate, to do it contra
'the Publick Faith, Laws of the Land, and Precep
'Holy Scripture, *which forbids doing of Evil, that G*
'*may come thereof.*

'Its manifeſt by what has been ſaid, That if this
'proceed, as is now contrived, that all the Proteſt
'in the Kingdom, are undoubtedly and without reſe
'ruined; ſince the *Rapparees* (that is, the Armed M
'titude) have taken away all their moveable Eſta
'and this deſign is to take away all the Lands and Te
'ments purchaſed by them.

'The thriving Catholicks, who were Purchaſers
'moſt of the Province of *Connaught* are) are likewiſ
'be turned out of their Eſtates and Poſſeſſions, and t
'own, and the Improvements of thoſe who hold u
'them utterly loſt.

'As to the Politick part which theſe great Stateſm
'who drive on this Bill, make mention of, that wi
'worthy of conſideration: It's ſaid, that this will u
'your Majeſty's Subjects in this Kingdom: That is
'groſs to paſs. Since the firſt mentioning thereof,
'it not made a Diviſion and Breach betwixt them?
'where there was none before: And doth it not
'daily wider? It was never heard, that Accommo
'ons, where all in conteſt was given to one of the
'ties, made an Union and Friendſhip? It is ſo far
'contrary, that where nothing is awarded to one o
'Parties, it makes the whole award void and of
'effect; and admitting the old Proprietor had righ
'is not enough, except he have it againſt the Purch
'And if the Deſign be what is pretended, to reſtore
'Kingdom to the Peace and Plenty it flouriſhed in
'Years ſince, to unite your Majeſty's Subjects, w
'by they may be enabled, according to their Dut
'Allegiance, to reſtore your Majeſty to the Exerci
'your Royal Dignity in all your Kingdoms; thi
'never be effected, except all Pretenders recede in
'Degree from the full of their Pretenſions for th
'commodation of the whole, and publick Quie
'Safety.

'W

'Would it not be an unreaſonable thing, in a Cargo 1689.
'where divers Merchants are concern'd, and have Goods
'and Merchandizes in a Storm, to throw out by Conſent
'the Goods of any Merchant, tho' in the bottom of the
'Hold, and hardeſt to come by,, for the ſafety of all con-
'cerned, without Satisfaction given him, by a Contri-
'bution from thoſe who had the Advantage of it? Or
'if it could not be done, or had time for it, were it
'not much more juſt that the Loſs ſhould be equally di-
'vided amongſt them, by throwing out a juſt Propor-
'tion from all concerned, than to ſingle out one part
'of the People, and by their Ruin to advance the other?
'This is not, in my Judgment, the readieſt way of unite-
'ing them.

'Suffer me to make one Step more, and Query, *Whe-*
'ther the Catholick Purchaſers now to be turn'd out of Poſ-
'ſeſſion, will join heartily with thoſe that enter upon them?
'Farewel Trade and Commerce, where Acts of Parlia-
'ment ſhall be made to deſtroy Securities that were good
'when made: Farewel all Improvements in *Ireland*,
'where no Man ſhall ever know what Eſtate he hath, if
'the Foundation of the general Settlement ſhould now
'be undone.

'I cannot foreſee what the Conſequences may be of
'having it publiſhed and made known, in your Maje-
'ty's other Kingdoms and Dominions, and elſewhere
'where the Proteſtant Religion is profeſſed, that ſuch a
'Propoſal as this (in relation to ſuch of your Proteſtant
'Subjects as have made no Defection) hath been pre-
'ſented for your Majeſty's Conſideration, in order to be
'paſſed into a Law, and this when they were ſecured by
'the Laws of the Land; and there is not ſo much as
'common Equity to queſtion the Title by which they
'held: That nevertheleſs uſe ſhould be made of the Le-
'giſlative Power to enact a new Law, after ſo many Aſ-
'ſurances given them to the contrary, and after ſo many
'Years quiet Poſſeſſion, to turn them out of their Eſtates
'together.

'It is much to be feared, that thoſe who firſt adviſed
'this Method of Proceedings, have conſidered their own
'particular Advantage, and that of their Friends and
'Relations, without the leaſt Thoughts of your Maje-
'ty's Service: For ſurely this can never be thought ſo,
'for the way to ſettle this Kingdom, whereby it may
'be ſerviceable to your Majeſty; nor can it be imagin-

1689. 'ed, but that Men thus deſpoil'd, will, as often as P
'liaments ſhall be called, make Application for Redr
'and Repeal, as in caſe of the *Spencers*, to repeal a R
'peal; and they and their Poſterity will be always ſo
'citing your Majeſty and your Succeſſors, to give th
'Relief in a Caſe of ſo great Moment and General C
'cern as that is.

'As for the Repriſals mentioned to be made them
'of the Rebels Eſtate, which muſt be conceived (to g
'any Colour to this manner of Proceeding) and ou
'to be equal to the Eſtate which the Proprietors ſhall
'outed of, that will be very uncertain: For it muſt
'known who the Rebels are, and what their Lands
'mount to, ſince it may be probably concluded, t
'there are many of your Subjects now in *England*,
'way concerned in the Rebellion, and would have
'this attended your Majeſty here, if they had not b
'hindred from coming by Dureſs and Imbargo, and
'ny other legal and juſtifiable Excuſes, too long for
'preſent Paper; and withal, that where any of th
'are ſeized of any new Eſtates, ſo much muſt be
'ſtored to the old Proprietors, and what is old,
'be ſubject to their Settlements and their Incumbr
'ces.

'After all this, it is in the Power of your Majeſty
'prevent the total Ruin of ſo many of your Subjects,
'have been Purchaſers and Improvers in this Kingd
'by preſcribing more moderate ways, than depri
'them of the whole, of what they have legally and
'duſtriouſly acquired: And that the Committees of
'Houſes may hear and enquire, whether any *Me*
'may be found out betwixt the Extreams, for the
'commodating (as near as may be) the Purchaſer and
'old Proprietor; ſo that if there be cauſe of Compl
'it may not ariſe from a total Diſappointment of e
'Party. This is a little of what might be ſaid on
'Occaſion; but the haſte of thoſe who drive on
'Bill, will allow no farther time at preſent.

It is propoſed, that his Majeſty will hear Council on Occaſion.

When the late King had read this Addreſs, he for
ſwer ſaid, That he would not do Evil that Good m
come on't; which ſeem'd to be a Denial of his

our to prevent the Bill from coming into an Act; tho' 1689.
e Evil in preventing it, I cannot ſee. So the Act at
t paſſed, contrary to moſt People's Expectations of any
enſe and Reaſon; yet it could not be expected other-
iſe; for moſt of both Houſes conſiſted of the Sons and
eſcendants of thoſe Perſons that had forfeited their
ates, for their inhuman Rebellion in the Year 1641.
d theſe Members had moſt of them no Freeholds or
ates in the Kingdom, but they were purpoſely elect-
to make themſelves Eſtates, by taking them away
om Proteſtants. Further it is plain, if the late King
d not like theſe Proceedings, and had deny'd his Con-
rence to the ſaid Act, it would be detrimental to
n; if you conſider, that the whole Dependance at that
ne was in Roman Catholicks: So that, I ſay, if the
ng had diſliked of this Bill, (tho' Dr. *King* in his
ſe of *Ireland*, ſays, that he was much for it) yet there
s ſome manner of Compulſion upon him to paſs it in-
an Act; which (if I miſtake not) he ſignified in his
ſwer to Juſtice *Keating*'s Addreſs, as you have alrea-
heard; but however it ſtood with the late King's
ill in this Point, it is certain, the Act was very unjuſt
it ſelf; for the Lands forfeited by the Rebellion in
41. ſet out to the Soldiers that had ventured their
ves and Fortunes in quelling the Rebellion, and ma-
of theſe had ſold them at 12 or 15 Years Purchaſe;
e Purchaſers had built fair Houſes and Villages on
em, incloſed Deer Parks, planted Orchards and Gar-
ns, and had laid out vaſt Sums in ſuch and other Im-
ovements, and to turn thoſe out without any Conſide-
ion, was a thing of Injuſtice and Barbarity to the in-
cent Purchaſers. But enough of this.

Another Act made by this Parliament, was entitled, *An Act for Attainder of divers Rebels, and for preſerving the Intereſt of Loyal Subjects*; which, for divers Reaſons, am induced to inſert here: It runs as followeth.

Iriſh Act of Attainder.

WE humbly beſeech your Majeſty, the Commons in this preſent Parliament aſſembled, That whereas moſt horrible Invaſion was made by your unnatural enemy the Prince of *Orange*, invited thereunto, and aſ-ted by many of your Majeſty's Rebellious and Traiter-s Subjects of your Majeſty's Dominions; and ſuch ir Inviting and Aſſiſting made manifeſt, by their per-ious Deſerting your Majeſty's Service; in which, by

1689. your many Princely Obligations, beſides their Natu
Duties, they were bounden; and having likewiſe to c
tain their wicked Ends, raiſed and levied open Rebe
on and War in ſeveral Places in this Kingdom, and e
tred into Aſſociations, and met in Conventions, in
der to call in and ſet up the ſaid Prince of *Orange*,
well in *Ulſter* and *Connaught*, as in the other Province
Munſter and *Leinſter*: To quell which, your Sacred M
jeſty's late Deputy in this Kingdom, *Richard* then E
and now Duke of *Tyrconnel*, before your Majeſty's h
py Arrival in this Kingdom, and your Sacred Maj
ſince your Arrival here, have been neceſſitated to r
an Army, to your Majeſty's great Charge and Expe
And tho' the ſaid Rebels and Traytors, after having
Impudence to declare for the Prince and Princeſs
Orange, againſt your Sacred Majeſty, were with all M
neſs and Humility called in to their Allegiance, by P
clamations and Promiſes of Pardon for their paſt Of
ces, and Protection for the future: And tho' ſome
the ſaid Proclamations aſſured Pardon to all ſuch as ſho
ſubmit themſelves; and that no Perſons were excep
in the laſt Proclamation beſides very few, not exceed
Ten in Number, and few or none of any Note came
in Obedience thereunto; and that very many of the
ſons who came in upon Protections, and took the O
of Allegiance to your Majeſty, were afterwards fo
amongſt the Rebels in open Arms and Hoſtility, w
taken Priſoners or killed, ſuch Protections being fo
with them. So Villainous were they, by adding Pe
ry to their former Crimes, *That it may be Enacted*,
be it Enacted, by your moſt Excellent Majeſty, by,
with the Advice and Conſent of the Lords Spiritual
Temporal, and Commons in this preſent Parliamen
ſembled, and by Authority of the ſame, That all t
Perſons who have notoriouſly joined in the ſaid Reb
on and Invaſion, and ſome of which are upon In
ments condemn'd, ſome executed for High Treaſon,
the reſt run away, or abſcond, or are now in the a
Service of the Prince of *Orange* againſt your Maj
and others kill'd in open Rebellion, or now in Arm
gainſt your Majeſty, or otherwiſe, and every of th
ſhall be deemed, taken and reputed, and are hereby
clared and adjudged Traytors, convicted and attain
High Treaſon, and ſhall ſuffer ſuch Pains of Death,
nalties and Forfeitures reſpectively, as in Caſes of H

reaſon are accuſtomed. *Provided*, that in caſe it hap- 1689.
en, that any of the Perſons hereby Attainted, do now
hide or dwell in this Kingdom, and are amenable to
e Law, that then, and in ſuch caſe, if ſuch Perſon and
erſons do by the 10th day of *Auguſt*, One Thouſand
t Hundred Eighty Nine, without Compulſion, of his
wn accord, come in and deliver himſelf to the Lord
hief Juſtice of your Majeſty's Court of *King's-Bench* in
land, or to any other Judges of the ſaid Court, or of
y other of your Majeſty's four Courts in *Dublin*, or to
y Judge of Aſſize in their Circuits, to be charged with
y Treaſon, to be charged or imputed to him or them;
t then and in ſuch caſe, ſuch Perſon or Perſons (if af-
r acquitted by the Laws of this Land, or diſcharged
Proclamation) ſhall be freed, diſcharged and acquit-
, from all Pains, Puniſhments, and Forfeitures by this
t incurr'd, laid, or impoſed; any thing in this Act to
e contrary in any wiſe notwithſtanding.

And whereas the ſeveral Perſons hereafter named, *viz.*,
hn Veaſy, Lord Archbiſhop of *Tuam*, &c. have ab-
nted themſelves from this Kingdom, and have gone
o *England*, or ſome other Places beyond the Seas,
ce the 5th day of *November* laſt, or in ſhort time be-
re, and did not return, altho' recalled home by your
jeſty's Gracious Proclamation. Which abſenting,
d not returning, cannot be conſtrued otherwiſe than
a Wicked and Traiterous Purpoſe, and may thereby
ſly forfeit all their Right and Pretenſions to all and
ery the Lands, Tenements, and Hereditaments to
em belonging in this Kingdom. *Be it therefore Enact-*
by the Authority aforeſaid, That in caſe the ſaid Per-
n or Perſons do not by the firſt day of *September*, One
houſand Six Hundred Eighty and Nine, of his or their
n accord, without Compulſion, return into this King-
m, and tender him and themſelves to the Chief Ju-
ce of his Majeſty's Court of *King's-Bench*, or to ſome
her Judge of the ſaid Court, or Judge of Aſſize in the
rcuit, or any of the Lords of your Majeſty's moſt Ho-
mble Privy-Council, to be charged with any Crimes
him or them to be imputed, that then, or in ſuch
e he or they, upon ſuch his or their Return, ſhall be
nvicted by Verdict of twelve Men, or by his or their
n Confeſſion, upon his or their Arraignment for Trea-
, or upon his or their Arraignment ſtand mute, ſuch
rſon and Perſons ſo abſent, and not returning, as a-
foreſaid,

1689. forefaid, (or after his or their Return, being convict
High Treaſon, as aforeſaid) ſhall from and after the fi
day of *September*, One Thouſand Six Hundred Eigh
Nine, be deemed, reputed, and taken as Traytors, Co
victed and Attainted of High Treaſon, and ſhall ſuffer fu
Pains of Death, and other Forfeitures and Penalties,
in Caſes of High Treaſon are accuſtomed. But in c
ſuch Perſon or Perſons ſo returning, be upon his
their Tryal acquitted or diſcharged by Proclamatio
then ſuch Perſon and Perſons reſpectively, ſhall fr
henceforth be freed, diſcharged, and acquitted from
Pains, Puniſhments and Forfeitures by this Act incurr
laid, or impoſed; any thing in this Act to the contr
notwithſtanding.

And whereas the ſeveral Perſons hereafter named, v
Robert Ridgway, Earl of *Londonderry*, &c. have before
ſaid fifth day of *November* laſt, abſented themſelves fr
this Kingdom, and live in *England*, *Scotland*, or the
of Man, and there now abide; and by their not com
or returning into this Kingdom upon your Majeſty's P
clamation, to aſſiſt in Defence of this Realm, accordi
to their Allegiance, muſt be preſumed to adhere to
ſaid Prince of *Orange*, in caſe they return not within
time by this Act preſcribed, and thereby may juſtly f
feit all the Lands, Tenements and Hereditaments wh
they or any of them are entitled unto, within this Ki
dom. *Be it therefore Enacted by the Authority aforeſ*
That in caſe the ſaid Perſon and Perſons laſt mention
do not by the firſt day of *October*, One Thouſand
Hundred Eighty Nine, of his and their own acco
without Compulſion, return into this Kingdom,
tender him and themſelves to the Chief Juſtice of y
Majeſty's Court of *King's-Bench*, or to ſome other Ju
of the ſaid Court, or Judge of Aſſize in his Circuit,
to any of the Lords of your Majeſty's moſt Honou
Privy-Council, to be charged with any Crime or Cri
to him or them to be charged or imputed, that then
in caſe he or they, upon ſuch his or their Return,
be convict by Verdict of twelve Men, or by his or t
own Confeſſion, upon his or their Arraignment for T
ſon, or upon his or their Arraignment ſtand mute,
Perſon and Perſons ſo abſent, and not returning as af
ſaid, or after his or their Return being convict of T
ſon as aforeſaid, ſhall from and after the firſt day of
tober, One Thouſand Six Hundred Eighty Nine,
deem

eemed, reputed, and taken as Traytors, convict and 1689.
ainted of High Treaſon, and ſhall ſuffer ſuch Pains of
eath, and other Forfeitures and Penalties as in Caſes
High Treaſon is accuſtomed: But in caſe ſuch Perſon
d Perſons ſo returning, upon ſuch his or their Tryal,
acquitted or diſcharged by Proclamation, then ſuch
erſon and Perſons reſpectively, ſhall from thenceforth
freed, diſcharged, and acquitted from all Pains, Pu-
ſhments and Forfeitures by this Act incurred, laid or
poſed, any thing in this Act to the contrary notwith-
nding.

Provided always, that in caſe your Majeſty ſhall hap-
n to go into the Kingdom of *England* or *Scotland*, be-
re the firſt day of *October*, One Thouſand Six Hundred
ighty Nine, the ſaid Sir *William Meredith*, &c. whoſe
welling and Reſidence always hath been in *England*,
all give your Majeſty ſuch Teſtimony of their Loyalty
d Fidelity, as that your Majeſty will be pleaſed on or
fore the firſt day of *October*, One Thouſand Six Hun-
ed Eighty Nine, to certify under your Privy Signet
Sign Manual unto your Chief Governour or Govern-
s of this Kingdom; That your Majeſty is ſatisfied or
ured of the Loyalty and Fidelity of the Perſons laſt
cluded, or of any of them; That then if ſuch Certi-
ate ſhall on or before the firſt day of *November*, One
houſand Six Hundred Eighty Nine, be produced to
ur Chief Governour or Governours of this Kingdom,
d Enrolled to your Majeſty's High Court of Chancery;
e ſame ſhall be a ſufficient Diſcharge and Acquittal to
ch of the ſaid Perſons laſt included, and every of them
ſpectively, whoſe Loyalty and Fidelity your Majeſty
ll be pleaſed to certify in manner as aforeſaid.

And be it further Enacted, That in the mean time and
til ſuch Return and Acquittal, all the Lands, Tene-
nts and Hereditaments within this Kingdom, belong-
g to all and every Abſentee and Abſentees, or other
rſon, to be attainted as aforeſaid, ſhall be and are
reby veſted in your Majeſty, your Heirs and Succeſſors,
from the firſt day of *Auguſt* laſt paſt.

And be it further Enacted by the Authority aforeſaid,
at all and every ſuch Perſon and Perſons, as by any
foregoing Clauſes, is, are, or ſhall be reſpectively
ainted, ſhall as from the firſt day of *Auguſt*, One
houſand Six Hundred Eighty Eight, forfeit unto your
jeſty, your Heirs and Succeſſors, all ſuch Manors,

Lands,

1689. Lands, Tenements, and Hereditaments, and all Rig
Title, Service, Chiefery, Uſe, Truſt, Condition, F
Rent-Charge, Right of Redemption of Mortgage
Right of Entries, Right of Action, or any other Inter
of what nature or kind ſoever, either in Law or Eq
ty, of, in, or unto any Lands, Tenements, or Here
taments within this Kingdom, belonging or apperta
ing to ſuch Perſon or Perſons, ſo as aforeſaid Attai
ed, or to be Attainted, in his or their own Right,
to any other in Truſt for him or them, on the ſaid fi
day of *Auguſt*, One Thouſand Six Hundred Eighty Eig
or at any time ſince; and all the ſaid Lands, Te
ments and Hereditaments, ſo as aforeſaid, forfei
unto and veſted in your Majeſty, your Heirs and S
ceſſors, hereby are and ſhall be veſted in your Maje
your Heirs and Succeſſors, whether ſuch Perſon or P
ſons were ſeized thereof in Fee Abſolute or Condit
nal, or in Tail, or for Life or Lives, and that freed
freely diſcharged of and from all Eſtates in Tail, and
Life, and from all Reverſions and Remainders for Li
for Years, or in Fee Abſolute or Conditional, or
Tail, or to any Perſon or Perſons whatſoever, ſuch R
mainder as by one Act or Statute of this preſent Parl
ment, entituled, *An Act for Repealing the Acts of S
tlement and Explanation*; Reſolution of Doubts, and
Grants, Patents, and Certificates purſuant to them,
any of them, or by this preſent Act are ſaved and p
ſerved, always excepted and fore-prized.

Provided always, that the Nocency or Forfeiture
any Tenant in Dower, Tenant by the Courteſy, Jo
treſs for Life, or other Tenant for Life or Lives in
tual Poſſeſſion, ſhall not extend to bar, forfeit, m
void, or diſcharge any Reverſion or Reverſions ve
in any Perſon or Perſons, not ingaged in the Uſur
pation or Rebellion aforeſaid, ſuch Reverſion or Rev
ſions being immediately depending or expectant up
the particular Eſtate of ſuch Tenant in Dower, Ten
by the Courteſy, Jointures for Life, or other Ten
for Life or Lives; any thing in the ſaid Act of Rep
or in this preſent Act to the contrary notwithſtanding

*Provided always, and be it further Enacted by the A
thority aforeſaid*, That nothing in this Preſent Act c
tained, ſhall any way extend, or be conſtrued to exte
to forfeit or veſt in your Majeſty, your Heirs and S
ceſſors, any Remainder or Remainders for valua

Co

Conſiderations, limited or ſettled by any Settlement or Conveyance made for ſuch valuable Conſiderations, either of Marriage or Marriage Portion, or other valuable Conſideration whatſoever, upon any Eſtate for Life or Lives, to any Perſon or Perſons not concerned in the Uſurpation or Rebellion aforeſaid: Such Remainder or Remainders as are limited or ſettled by any Conveyance, wherein there is any Power for revoking and altering all or any the Uſe or Uſes therein limited, and alſo ſuch Remainder and Remainders as are limitted upon any Settlement or Conveyance of any Lands, Tenements, and Hereditaments held or enjoyed under ſuch Grants from the Crown, or Grants upon the Commiſſion or Commiſſions of Grace for Remedy of defective Titles, either in the Reign of King *James* the Firſt, or King *Charles* the Firſt; in which ſeveral Grants reſpectively, there are Proviſoes or Covenants for raiſing or keeping any number of Men or Arms for the King's Majeſty againſt Rebels and Enemies, or for raiſing of Men for his Majeſty's Service, for Expedition of War, always excepted and fore-prized. All which Remainders limited by ſuch Conveyances wherein there is a Power of Revocation for ſo much of the Lands, Uſes, and Eſtates thereby limited, as the ſaid Power doth or ſhall extend unto; and all ſuch Remainders as are derived or limited for or under ſuch Intereſt made of Plantation Lands, or other Lands held as aforeſaid, under ſuch Grants from the Crown; and all and every other Remainder and Remainders, Reverſion and Reverſions not herein mentioned, to be ſaved and preſerved, ſhall by the Authority of this preſent Parliament, be deemed, conſtrued and adjudged void, debarred and diſcharged to all Intents and Purpoſes whatſoever, againſt your Majeſty, your Heirs and Succeſſors, and your and their Grantees or Aſſignees; and the ſaid Lands, Tenements, and Hereditaments, belonging to ſuch Rebels as aforeſaid, ſhall be veſted in your Majeſty, your Heirs and Succeſſors, freed and diſcharged of the ſaid Remainder and Remainders, and every of them. And to the end the Reverſions and Remainders ſaved and preſerved by this Act, may appear with all convenient ſpeed. 1689.

Be it Enacted by the Authority aforeſaid, That the reſpective Perſons, entitled to ſuch Remainders and Reverſions, do within ſixty Days next after the firſt ſitting of the Commiſſioners, for executing the ſaid *Act of Repeal*,

1689. *peal*, and this preſent Act, exhibit their Claims bef
the ſaid Commiſſioners, and make out their Titles
ſuch Remainder or Remainders, ſo as to procure th
Adjudication or Certificate of ſome three or more
them: And further, that all Remainders, for wh
ſuch Adjudications and Certificates ſhall not be procur
at or before One hundred and twenty Days after the
ſitting of the ſaid Commiſſioners, ſhall be void, and
ever barred and excluded; any thing in this Act, or ot
matter to the contrary in any wiſe notwithſtanding.
which Lands, Tenements and Hereditaments mentio
as aforeſaid, to be forfeited unto and veſted in your M
jeſty, by any the Clauſes aforeſaid, are hereby decla
to be ſo forfeited unto, and veſted in your Maje
without any Office or Inquiſition thereof, found or
be found; and the ſame to be to the Uſes, Intents
Purpoſes in the ſaid *Act of Repeal*, and in this pre
Act mentioned and expoſed.

And whereas ſeveral Perſons hereafter named, *
Lyonel Earl of *Orrery*, &c. are, and for ſome time
have been abſent out of this Kingdom, and by rea
of Sickneſs, Nonage, Infirmities, or other Diſabilit
may for ſome time further be obliged ſo to ſtay ou
this Kingdom, or be diſabled to return thereunto.
vertheleſs, it being much to the weakning and impo
iſhing of this Realm, that any of the Rents or Profit
the Lands, Tenements and Hereditaments therein, ſho
be ſent into, or ſpent in any other place beyond the S
but that the ſame ſhould be kept and employed wit
the Realm, for the better ſupport and defence there

Be it further Enacted by the Authority aforeſaid, T
all the Lands, Tenements and Hereditaments, Uſe, T
Poſſeſſion, Reverſion, Remainder, and all and e
other Eſtate, Title and Intereſt whatſoever, belon
or appertaining to all and every of the Perſons he
before laſt mentioned, within this Kingdom, be and
hereby veſted in your Majeſty, your Heirs and Succeſ
to the Uſe of your Majeſty, your Heirs and Succeſſo

Provided Always, That if any Perſon or Perſons
the next foregoing Clauſe included, have hitherto b
ved themſelves Loyally and Faithfully to your Maje
that then, if they or any of them, their or any of t
Heirs, do hereafter return into this Kingdom, and
have him or themſelves as becometh Loyal Subj
and do, on or before the laſt day of the Firſt Term

enſu

ining, after such their return, exhibit his or their Pe- 1689.
ion or Claim, before the Commissioners for the Exe-
ion of the said Act, if then sitting; or in his Ma-
y's High Court of *Chancery*, or in his Majesty's Court
Exchequer, for any such Lands, Tenements, or Here-
aments, and make out his or their Title thereunto,
obtain the Adjudication and Decree of any of the
Courts, of and for such his or their Title, That
, and in such case, such Adjudication or Decree
l be sufficient to all such Person or Persons, for di-
ing and restoring such Estate, and no other as shall
herein and thereby to him or them adjudged or de-
d; and that the Order of any of the said Courts shall
sufficient Warrant to all Sheriffs, or other proper
cers to whom the same shall be directed, to put such
on or Persons in the actual Seizin and Possession of
said Lands; any thing in this Act contained, or any
r Statute, Law, or Custom whatsoever to the con-
in any wise notwithstanding.

*rovided always, and be it further Enacted by the Autho-
foresaid*, That neither the said *Act of Repeal*, or this
ent, or any thing in them, or in either of them
ained, shall extend to, or be construed to forfeit or
in your Majesty, your Heirs or Successors, or other-
to bar, extinguish, or weaken any Right of Entry,
t of Action, Use, Trust, Lease, Condition or E-
of Redemption of any Mortgage or Mortgages,
h on the first day of *August*, One thousand six hun-
eighty Eight, continued or remained in such Per-
not being forfeiting Persons, within the true in-
and meaning of the said *Act of Repeal*, or of this
nt Act; and which ever since the first day of *August*,
thousand six hundred eight eight, continued or re-
d in such Persons, not being Forfeiting Persons,
evolved, Descended, or come from them, or any
m, or any of their Heirs, Executors or Admini-
s, not being forfeiting Persons as aforesaid, any
in this Act, or the said *Act of Repeal*, to the con-
notwithstanding.

vided always, That the said Person or Persons,
ing such Right of Entry, Right of Action, Use,
Lease, Condition, or Equity of Redemption or
ge, do, and shall exhibit his and their Claim for
e, before the Commissioners for Execution of
Act of Repeal, or of this present Act, within six

days

1689. days after the first sitting of the said Commissioners, a
produce the Adjudication of them, or any three or mo
of them thereupon, within One hundred and twenty d
after the said first sitting of the said Commissioners.

And whereas by one or more Office or Officers, in t
time of the Earl of *Strafford*'s Government in this Kin
dom, in the Reign of King *Charles* the First, of e
Blessed Memory, all, or a great part of the Lands, T
nements and Hereditaments in the Province of *Conna*
and Counties of *Clare*, *Limerick*, and *Tipperary*, w
vested in his Majesty: And by the *Acts of Settlement*
Explanation, the said Office and Officers are declared
be null and void, since which time the said Acts h
been by the said *Act of Repeal* repealed, and ther
some Prejudice might arise or accrue to the Propriet
concerned in them Lands, if not prevented.

Be it therefore Enacted by the Authority aforesaid, T
the said Office and Offices, and every of them, comm
ly called the *Grand Office*, and the Title thereby fou
or endeavoured to be made out or set up, from the t
of the finding or taking thereof, was and is hereby
clared to be Null and Void, to all Intents and Purp
whatsoever.

Provided that nothing therein contained, shall any
extend, or be construed to extend, to charge any Pe
or Persons who hath, *bona Fide*, paid any Rents or
years of Rent, that have been due and payable out of
Lands hereby vested in your Majesty; or to charge
Steward or Receiver, that received any such Rents
Arrears of Rent, if he, *bona fide*, paid the same;
that he and they be hereby discharged for so much
or they so, *bona fide*, paid, against your Majesty,
Majesty, your Heirs and Successors.

Provided always, and it is hereby Enacted, That e
Person, not being a Forfeiting Person, within the
intent and meaning of the said former Act, or of
present Act; and who before the seventh Day of
One thousand six hundred eighty nine, had any St
Staple, or Recognizance for payment of Mony, w
might charge any of the Estates, Lands, Tenemen
Hereditaments, so as aforesaid forfeited unto, and
ed in your Majesty, shall and may have the Bene
the said Statutes Staple, Judgments, Recogniz
Mortgages, Rent-Charge, Portions, Trust, and
Incumbrances, out of the Estate or Estates, which

liable thereunto, in caſe the ſaid former Act, or this 1689.
ſent Act had never been made. Provided always,
t the Perſon and Perſons who had ſuch Statutes, Staple-
dgments, Recognizances, or other Truſts of Incum-
nces, do claim the ſame before the Commiſſioners,
the Execution of the ſaid former Act, within two
onths after the firſt ſitting of the ſaid Commiſſioners,
d procure their Adjudication thereof, within ſuch rea-
able time as the ſaid Commiſſioners ſhall appoint for
ermining the ſame. And to the end that ſuch Per-
and Perſons as ſhall have any of the ſaid Lands, Te-
ments, or Hereditaments granted unto him as afore-
d, may know the clear Value of the ſaid Lands, Te-
ments, and Heredtiaments ſo to be granted unto him
ve all Incumbrances, and may injoy the ſame againſt
Statutes Staple, Judgments, Recognizances, Mort-
es, Rent-Charges, and other Incumbrances not claim-
and adjudged as aforeſaid:

Be it therefore Enacted by the Authority aforeſaid, That
ſuch Lands, Tenements and Hereditaments, as ſhall
forfeited unto and veſted in your Majeſty, and grant-
by Letters Patents purſuant to the ſaid former Act, or
s preſent Act, ſhall be, and are hereby freed, acquit-
and diſcharged of, and from all Eſtates, Charges and
umbrances whatſoever, other than what ſhall be claim-
and adjudged as aforeſaid.

And whereas by one private Act of Parliament, inti-
d, *An Act for ſecuring ſeveral Lands, Tenements, and*
reditaments to George *Duke of* Albemarle, which Act
paſſed in the Reign of King *Charles* the Second;
e Lands, Tenements and Hereditaments in this King-
, which on the two and twentieth Day of *October*,
e thouſand ſix hundred forty one, belonged to ſome
ient Proprietor or Proprietors, who were diſpoſſeſſed
reof by the late uſurped Powers, were ſecured and aſ-
d unto the ſaid *George* Duke of *Albemarle*, by means
reof, the ancient Proprietors of the ſaid Lands may
ained and deprived of their ancient Eſtates, unleſs the
Act be repealed, though ſuch ancient Proprietor or
prietors be as juſtly intituled to Reſtitution, as other
nt Proprietors who were diſpoſſeſſed by the ſaid U-
rs, and barred by the late Acts of Settlement and
lanation:

Be it therefore enacted, That the ſaid Act for ſecuring
veral Lands, Tenements, and Hereditaments to

1689. *George* Duke of *Albemarle*, be, and is hereby repealed all Intents and Purpoſes whatſoever: And that the Proprietors of the ſaid Lands, and their Heirs and Aſſigns be reſtored to their ſaid ancient Eſtates in the ſame manner with the ſaid other ancient Proprietors, their Heirs and Aſſigns. And whereas ſeveral ancient Proprietors, whoſe Eſtates were ſeized and veſted in Perſons, deriving a Title under the ſaid Acts of Settlement or Explanation, have in ſome time after the paſſing of the ſaid Acts, purchaſed their own ancient Eſtates or part thereof, from the Perſons who held the ſame under the ſaid Acts as aforeſaid, which old Proprietors would now be reſtored to their ſaid ancient Eſtates, if they had not purchaſed the ſame. And for as much as the ſaid ancient Proprietors or their Heirs ſhould receive no Benefit of the ſaid *Act of Repeal*, ſhould they not be reprized for the Mony paid by them for their ſaid ancient Eſtates.

Be it therefore Enacted, by the Authority aforeſaid, That all and every the ancient Proprietor or Proprietors, or their Heirs, who have laid out any Sum or Sums of Mony, for the Purchaſe of their own ancient Eſtates or any part thereof, as aforeſaid, ſhall receive out of the common Stock of Reprizals, a ſufficient Recompence and Satisfaction for the Mony laid out or paid by him or them, for the Purchaſe of their ſaid ancient Eſtates, after the Rate of ten Years Purchaſe; any Clauſe, Act or Statute, to the contrary in any wiſe notwithſtanding.

And for the Prevention of all unneceſſary Delays and unjuſt Charges, which can or may happen to the Subjects of this Realm, before their full and final Settlement: Be it further enacted, by the Authority aforeſaid, That where the Commiſſioners for Execution of the ſaid *Act of Repeal*, or any three or more of them ſhall give any Certificate under his and their Hands and Seals to any Perſon or Perſons, Bodies Politick, or Corporate, in order to the paſſing of any Letters Patents according to the ſaid Act, and ſhall likewiſe return a Duplicate of ſuch Certificate into his Majeſty's Court of Exchequer at *Dublin*, to be there enrolled, and the Perſon and Perſons, Bodies Politick or Corporate, to whom ſuch Certificate ſhall be given, ſhall during the ſpace of ſix Months next enſuing the Date hereof, diligently Proſecute the having and obtaining Letters Patents accordingly, but ſhall thereof be delayed and hindred

the Neglect of any Officer or Officers; that then, and in such Case the several and respective Persons, Bodies Politick and Corporate, to whom and in whose Behalf such Certificate shall be given or granted, shall hold and enjoy the several Messuages, Manners, Lands, Tenements and Hereditaments, in the several and respective Certificates mentioned and allotted, according to such Estate, and under such Rent as is therein mentioned, as fully and amply to all Intents and Purposes, as if Letters Patents thereof had been granted and perfected according to the Direction in the said former Act; any thing in this, or the said former Act, or any other Law, Statute, or Usage to the contrary notwithstanding. 1689.

And whereas, by the Hardships and Oppressions introduced by the said Act of Settlement and Explanation, some ancient Proprietors who would have been restorable by the said *Act of Repeal*, have been necessitated to accept of Leases for Life, Lives or Years, or Gifts in Tayl, or other Conveyances of their own respective Estates, and have contracted to pay some Rents, Duties, or other Reservations out of such their ancient Estates, by which Acceptance of Leases or Gifts beforementioned, and by the said Agreements to pay Rents, Duties or Reservations for the same, the said ancient Proprietors may be barred or stopped, and excluded from the Benefit of Restitution, intended for ancient Proprietors by the said *Act of Repeal*.

Be it therefore enacted, That the Acceptance of any such Estate or Leases, Gift or Gifts in Tayl, or any Agreement or Agreements upon any such Account for Payment of Rents, Duties, or any other Reservation for or in their respective ancient Estate or Estates, shall be no way prejudicial or binding, or conclusive to any such ancient Proprietor, or to his or their Heirs, Executors, or Administrators, who have not actually by some legal Ways or Means, released his or their Right to his or their said ancient Estates, unto their said Lessors or Donors, any thing herein, or in the said *Act of Repeal*, to the contrary notwithstanding.

Whereas some or most of the Lands to be given in Tryals, have not been surveyed by the Surveys, commonly called the *Down Survey*, or *Strafford Survey*; and that a certain Way is necessary to be prescribed for ascertaining the Quit-Rents, now made payable thereout.

1689. *Be it therefore enacted, by the Authority aforesaid,* That the Commissioners for the Execution of the said *Act of Repeal*, or any three of them, shall and may be impowered to ascertain such Quantities payable out of such Lands so to be given in Reprize, and to that Purpose to issue Commissions for Valuations or Surveys, as they shall think fit; and that such Surveys shall be made according to the Rules and Methods used for the *Down Survey*, wherein the profitable is to be thrown in with the unprofitable; and where the Lands appear barren or the Quit-Rents by the said *Act of Repeal*, proper to fit to be reduced, it shall and may be lawful for the to reduce the same; in which Case such reduced or reserved Quit-Rents, shall be and are hereby the only Quit-Rents payable out of the said Lands, if such Quit Rents be more than the Crown-Rents, before this Act payable out of the said Lands; But in case the ancient Crown-Rent be more, the greater Rent shall be the Rent reserved thereout.

Provided yet likewise, That the Commissioners for the Execution of the said *Act of Repeal*, or in default them the Barons of his Majesty's Court of Exchequer, within five Years after the first sitting of the Commissioners for the Execution of the said Act, shall and are hereby impowered to reduce the Quit-Rents the said Act, due and payable out of Lands, by said *Act of Repeal* to be restored, or formerly restored to the former Proprietors thereof, where the Lands barren, or of so small Value, that the Quit-Rent do amount to the fourth Part of the Value of the Lands may be a Discouragement to the Plantation of the Lands, and that such ascertaining or abating of Quit Rents, under the Hands and Seals of the said Commissioners or Barons respectively, shall be as good and effectual, as if the same had been enacted by these Presents any thing therein, or in the said *Acts of Repeal* contained to the contrary notwithstanding.

And be it further enacted, That the Commissioners be appointed for setting forth Reprizals pursuant to said *Act of Repeal*, or any three of them, shall out the Stock of Reprizals therein, and in this present or in either of them mentioned, set forth and allot prizals to such Person or Persons as by Virtue of Act are appointed to be reprized, and shall and may execute such other Parts of this Act as are to be executed by Commissioners.

1689.

And whereas divers Lands, Tenements and Hereditaments forfeited unto and veſted in your Majeſty, are may be found to be liable to divers Debts or other tire Payments ſaved by this Act: And for levying d receiving the ſame, the Perſon or Perſons intitled reunto, might charge any Part of the Lands, Tenents or Hereditaments originally liable to the ſaid bts or Payments, with more than a juſt Proportion reof, whereby ſome of the Perſons to whom part of ſaid Lands, Tenements or Hereditaments ſhall be otted or granted in Reprizal, may be overcharged in h Part or Proportion of the ſaid Lands, Tenements Hereditaments, as ſhall be ſo to him or them granted allotted, which may occaſion great Prejudice and s to ſome of the ſaid reprizable Perſons, if due Courſe not taken for apportioning the ſaid Debts and Payents: For remedy whereof, Be it enacted, by the thority aforeſaid, that the Commiſſioners for Execun of the ſaid *Act of Repeal*, and this preſent Act, or three or more of them, be and are hereby impowd and required equally to apportion ſuch Debts and yments as ſhall appear to them to be chargeable upon, leviable out of any Lands, Tenements and Heredients, to be ſet forth for Reprizals as aforeſaid; and certain what Proportion of ſuch Debts or Payments, h and every Proportion of the Lands, Tenements Hereditaments, which were originally liable thereo, and which ſhall be ſeparately ſet forth for Repri as aforeſaid, ſhall remain liable to pay or diſcharge; the reſpective Grantees, and every of them, and r reſpective Proportions of the ſaid Lands, Tenents and Hereditaments to them allotted for Reprizals, not be liable to any more of the ſaid Debts or yments, than by the ſaid apportionment ſhall be apted and directed, which Proportion of the ſaid bts or Payments is to be inſerted in the Certificate, e granted of the Lands liable thereunto, if the Per or Perſons obtaining ſuch Certificate, ſhall deſire ſame; any thing in this, or the ſaid *Act of Repeal* he contrary notwithſtanding.

And it is further enacted, by the Authority aforeſaid, all Letters Patents hereafter to be granted of any cers or Lands whatſoever, ſhall contain in the ſame ers Patents a Clauſe requiring and compelling the Patentees, to cauſe the ſaid Letters Patents wherein

1689. ſuch Clauſe ſhall be omitted, are hereby declared to b utterly void and of none effect.

Provided always, that if your ſacred Majeſty at a time before the firſt Day of *November* next, by Lett Patents under the Broad Seal of *England*, if reſidi there; or by Letters Patents under the Great Seal *Ireland*, during your Majeſty's Abode here, ſhall gra your gracious Pardon or Pardons to any one or more the Perſons herein before mentioned or intended to attainted, who ſhall return to their Duty and Loyalt that then and in ſuch Caſe, ſuch Perſon and Perſons pardoned, ſhall be and is hereby excepted out of th preſent Act, as if they had never been therein name or thereby intended to be attainted, and ſhall be, a are hereby acquitted and diſcharged from all Attainde Penalties and Forfeitures created or inflicted by this A or the ſaid *Act of Repeal*, excepting ſuch Share or P portion of their real or perſonal Eſtate, as your Maje ſhall think fit to except or reſerve from them, any thi in this preſent Act, or in the ſaid *Act of Repeal*, co tained to the contrary notwithſtanding.

Provided always, that every ſuch Pardon and Pard be purſuant to a Warrant under your Majeſty's Pr Signet and Sign manual, and that no one Letters Pate of Pardon ſhall contain above one Perſon; and t all and every ſuch Letters Patents of Pardon and P dons, ſhall be enrolled in the Rolls Office of your M jeſty's High Court of Chancery in this Kingdom, or before the laſt Day of the ſaid Month of *Novem* or, in Default thereof, to be abſolutely void and none effect, any thing herein contained to the cont notwithſtanding.

Provided always, that if any Perſon or Perſons ſo doned, ſhall at any time hereafter the Date of the Pardon, joyn with, or aid or aſſiſt any of your Maje Enemies, or with any Rebels in any of your Maje Dominions, and be therefore Convict or Attainte any due Courſe of Law, that then, and in ſuch they ſhall forfeit all the Benefit and Advantage of Pardon, and ſhall be again ſubject and liable to all Penalties and Forfeitures inflicted on them and ever them, by this or the ſaid *Act of Repeal*, as if ſuch don or Pardons had never been granted.

Provided always, that nothing in this Act contai ſhall extend, or be conſtrued to extend to, or v

our Majeſty any Lands, Tenements or Hereditaments, 1689.
other Intereſt of any ancient Proprietor, who by the
id *Act of Repeal*, is to be reſtored to his ancient Eſtate;
t that all ſuch Perſon or Perſons, and all their Right,
itle and Intereſt, are and ſhall be ſaved and preſerved
cording to the true Intent and Meaning of the ſaid
t, any thing in theſe Preſents to the contrary not-
ithſtanding.

Richard Darling,

Copia vera.

Cleric. in Offic. Mri Rot.

I cannot but take Notice of this Act, and the firſt oundation laid for it; which was manag'd thus: Eve- Member of the Houſe of Commons, retain'd the ames of ſuch Proteſtant Gentlemen as lived near him, in the Country or Borough for which he ſerved, and he was a Stranger to it, he ſent into the Country or orough for Information; according to which whether e or falſe, they were returned as abſent, and attainted the Act; nay, ſome of thoſe Perſons that were actu- ly in Arms under the late King againſt *Londonderry*, c. were returned as abſent, and attainted accordingly. fter every Member had brought in his Collection, e whole were brought into ſeveral Forms, and they ar- inted them under ſeveral Qualifications, and according- allowed them time to come in and put themſelves on yal. The Perſons mentioned in the firſt Proviſo, at had time given them till the 10th of *Auguſt* to ſur- nder themſelves and be try'd, provided they were in at Kingdom, *&c.* as is there mentioned, were one rchbiſhop, one Duke, 14 Earls, 17 Viſcounts, and e Viſcounteſs, 2 Biſhops, 12 Barons, 26 Baronets, Knights, 56 Clergymen, 753 Eſquires, Gentlemen, c. Another Form were thoſe who were Abſenters fore the 5th of *November*, 1688, *&c.* as you have d in the Act, being one Lord, 7 Knights, 8 Cler- men, 65 Eſquires, Gentlemen, *&c.* A third Form o were Abſenters before the 5th of *November*, 1688. re attainted, if they did not appear by the 1ſt of *Oc- r*, 1689. were one Archbiſhop, one Earl, one Viſ- nt, 5 Biſhops, 7 Baronets, 8 Knights, 19 Clergy- n, 413 Eſquires, Gentlemen, *&c.* 4 Perſons uſually

1689. Reſident in *England*; who were to ſignify their Loy-
ty, in caſe the King ſhould go thither before the firſt
October, 1689. and on his Majeſty's Certificate to t
cheif Governour of *Ireland*, they to be diſcharged,
therwiſe to ſtand attainted; one Earl, 15 Viſcounts a
Lords, 14 Knights, 492 Eſquires, Gentlemen, *&c.*
Abſenters by reaſon of Sickneſs, Nonage, *&c.* were o
Earl, 7 Counteſſes, one Viſcounteſs, 13 Ladies, o
Baronet, 59 Gentlemen and Gentlewomen.

Another Foundation this Act was laid upon, was h
a very ſandy one indeed, and not allowable in the le
Caſes, much leſs in Caſe of Life, and that was comm
Fame; for when Sir *Richard Neagle* the Commo
Speaker, preſented this Bill to the King for his Ro
Aſſent, he told his Majeſty, *That many were Attainted*
that Act by the Houſe of Commons, upon ſuch Evidences
fully ſatisfied the Houſe (and that was but an Informati
without any Affidavit made, for the moſt Part) the
of them was Attainted upon Common Fame; whi
when it is allow'd to be a ſufficient Evidence in Caſe
Treaſon, will find Traytors enough. Further, for
ſecurer Eſtabliſhment of this Act, and to make it
repealable, they prevailed upon the late King to gr
his Aſſent unto an Act, entitled, *An Act for declar*
that the Parliament of England *cannot bind* Ireland,
againſt Writs of Errors and Repeals out of Ireland *into*
gland. Not only the Parliament of *England* were
cluded from having any Power to Revoke the ſaid
of Repeal, but the King himſelf could not pardon
that was attainted, after the limited time, or whoſe
ſtate was veſted in him by this Act. Bnt it ſeems
his Majeſty was not apprehenſive of this, from the
lowing Paſſage (which Dr. *King* cites.) After the
paſſed and had the Royal Conſent, the Parliament (c
trary to all Parliamentary Conſtitutions) took ſuch C
to make this Act ſuch a Secret, that no Copy could
gotten of it by any Proteſtant, till the *Eaſter* after it
paſſed, and then it was got by a Stratagem thus ma

The Caſe of Sir *Tho. Southwel.*

ged: Sir *Thomas Southwel*, among other Gentlemen,
March, 88. had been condemn'd at *Galway* for H
Treaſon againſt the late King; and was arraign'd in
Act of Attainder alſo: Sir *Thomas* continued a Priſo
till ſuch time as he came acquainted with my Lord
forth, who undertook to reconcile him to the late K
and get his Pardon; his Majeſty upon my Lord's
plica

lication promiſed it, and order'd a Warrant to be 1689.
awn up for it. The Perſon that was imploy'd to
aw it, happen'd to be Sir *Thomas* his Acquaintance.
he Gentleman being a Lawyer, immediately apprehen-
ed this to be a good Opportunity to get a Copy of the
ct, which he had laboured before in vain. Therefore
told the Earl, and Sir *Thomas*, *That he could not,*
for indeed it was not poſſible) *draw up an effectual Par-*
on, except he had the Peruſal of the Act that attainted him.
he Earl made no more to do, but got an Expreſs Order
om the King, to have a Copy delivered him, and
rought it to the mentioned Lawyer, who employed ſe-
eral Perſons to Copy it, and by that Means it came to
e Knowledge of ſeveral Proteſtants. But when the
Warrant for Sir *Thomas*'s Pardon was drawn up, with a
ll *Non-Obſtante* to the Act of Attainder, the Earl
rought it to Sir *Richard Neagle* the Attorney General,
have a *Fiat* drawn. Sir *Richard* took the Pains to
ad it, but threw it aſide with ſome Indication of An-
er; at which the Earl began to expoſtulate with him
out ſlighting the King's Warrant at that Rate. But the
ttorney reply'd, That the King did not know what he
d done, and that he had attempted to do a thing that
id not in his Power to do: If the Earl had underſtood
id he) our Laws, or had ſeen the Act of Attainder,
would be ſatisfied that the King could not diſpence
ith it: To which my Lord anſwered, That he under-
ood Senſe and Reaſon, and that he was not a Stranger
the Act of Attainder. Sir *Richard* would not believe
, till a Copy of the Act was ſhewed him, at which
was much ſurprized, and began to enquire how his
ordſhip came by it, and intimated the Keepers of the
olls were treacherous in letting any one ſee it, much
ore in letting a Copy of it go abroad. His Lordſhip
preſſed his Admiration, that an Act of Parliament
ould be made a Secret, and the Laws, upon the Ob-
rvation of which the Lives and Fortunes of ſo many
en depended, ſhould be concealed with ſuch Indu-
y: At laſt the Attorney told him, that he would draw
a Warrant for Sir *Thomas*'s Pardon that ſhould do his
ſineſs, and get the King to Sign it, the Earl would
t accept of his Offer, unleſs his Lawyer might firſt
ruſe it, which being granted, the Lawyer upon Peru-
l found it to be not valid, nor ſuch as would ſtand in
w. This deluding Dealing of the Attorney, made

the

1689. the Earl make new Applications to King *James*, wh
ſent immediately for Sir *Richard*, and queſtioned hi
for not preparing a *Fiat* for Sir *Thomas Southwel*'s Pardo
according to the Warrant ſent to him. The Attorn
ſhortly reply'd, That His Majeſty could not grant ſu
a Pardon: For His Majeſty was only a Truſtee for fo
feited Eſtates, and could not diſpence with the Act, th
by an expreſs Clauſe in it, all Pardons that ſhould be gra
ted, were declared void. The King hearing this, to
him in ſome Paſſion, *That he hoped they did not retrench h
Perogative*: But the Attorney reply'd, *That His Maje
had read the Act before he paſſed it*: At which t
King ſaid, *That he had betrayed him, and that he depe
ded upon him for drawing the Act*: And if he had dra
it, ſo that there was no Room for diſpenſing, and pa
doning, he had been falſe to him; and thus the Matt
ended, So that Sir *Thomas* was forced to go for *Scotla*
without being able to obtain his Pardon for his Eſta
or Life; for it was after the firſt of *November*, 168
when Sir *Thomas* made Application, as ſaid before, f
his Pardon, and then the Act voided any Pardon gra
ted to any attainted by it, or were not enabled befo
the laſt Day of the ſaid Month. There is no Occaſi
to comment upon this Narration, but certainly ſuch S
verities upon the Proteſtants contributed not a little
alienate their Affections from his then Majeſty. T
Parliament after they made ſome other Acts, tho' n
worth our while to take Notice of here, except the A
of *Liberty of Conſcience*, (wherein was promiſed full a
free Exerciſe of their reſpective Religions to all t
profeſſed Chriſtianity within the Kingdom, without
Moleſtation, Loſs, or Penalty whatſoever, and that t
ſhould have Liberty to meet in ſuch Churches, Ch
pels, and other Places as they ſhould have for that P
poſe) they were on the 20th of *July* prorogued, to
12th of *January*, and ſo ended this Seſſions, and
Acts made in it, created no leſs Confuſion and
ſturbance in that Kingdom, than the War it ſelf; a
ther Narration of which, I am juſt going upon,
what happened at *Inniskillen* between the two Ar
falls of Courſe under our Cognizance.

Iriſh parliament Prorogued.

The *Inniskillen* Men, upon Notice that *Derry* had
ny'd Entrance to the Lord *Antrim*'s Regiment, in I
tation thereof choſe *Guſtavus Hamilton* Eſq; to be t
Governour, and reſolved to put themſelves in a Poſ

Defence against any *Irish* Garrison to be sent there; 1689.
and having raised about 12 Companies, they began to
egiment themselves, and made Choice of *Gustavus*
Hamilton to be their Colonel, and *Thomas Loyd* their
Lieutenant Colonel. The Townsmen being thus in
me Condition to act as their Inclination lead them,
on the News that the Parliament of *England* had Vo-
d the Desertion of King *James* to be an Abdication,
nd placed the then Prince and Princess of *Orange* in
e Vacant Throne: They likewise on the 11th of
March Proclaimed King *William* and Queen *Mary*, with
ch Solemnity as their Circumstances could bear: But
e Lord *Gilmoy* declaring for King *James*, sometime
ter His Majesty's Arrival at *Dublin*, sent a Letter to the
overnour of *Inniskillen*, in the Nature of a Summons,
r the Surrendry of the Place; notifying withal, that
e had a Commission from the late King, whereby he
e had Power to grant them better Conditions than they
ight ever expect from him afterwards. A Council be-
g called upon the Summons, it was resolved to stand
m to their former Declarations: Upon this the Lord
ilmoy landed all his Forces towards *Crome*, which was
ieged sometime before by some of his Troops, then
e *Inniskillen* Men dispatched a Detachment of about
o Men to the Relief of the Castle, being 16 Miles
stant from *Inniskillen*: The Besiegers used all their
deavours to prevent their landing upon them, yet
ey, in Spite of all their firing, threw themselves into
e Castle, and conjunctive with those that were with-
before, sallyed upon the Assailants, and beat them
t of their Trenches, so that my Lord was forced to
ise the Siege, and retreat to *Belturbet*. On the 24th
April, Lieutenant Colonel *Loyd* commanding a Par-
of Foot and Horse, scouted abroad, and set upon
Garrison near *Omagh*, of the Enemies, which he
uld not reduce; therefore driving all the Cattle near
at Place, and having demolished the Castle at *Ang-*
, which the Garrison thereof at his Approach had
serted, he returned Home with great Booty, especi-
ly of black Cattle, so that a Milch Cow was sold at
niskillen for a Crown, for 2 Shillings a dry one, and an
r cheaper.

Several other small Skirmishes and Actions happened
tween the two Parties, which we will take no Cog-
zance of in this Place. But on the 4th of *July*, the
Duke

1689. Duke of *Berwick*, with ſome Troops of Horſe and two Regiments of Foot, and as many of Dragoons marched from the Siege of *Derry* towards *Inniskillen*: upon Notice thereof, the Governour of the Place diſpatches two Foot Companies (and two Troops to ſecond them) to take Poſſeſſion of a ſtreight Paſs near the Mill, through which the Duke and his Army was to come. The two Companies having taken Poſſeſſion of the *Paſs*, and ſeeing no Enemy in Sight, after ſome ſtay there, advanced a Mile further in queſt of them; and coming to a hollow between 2 Hills, were on a ſuddain ſurprized, by a whole Body of the Duke's Horſe and Dragoons that lay in *Ambuſh* for them, at the Sight of which, the two Troops that were to ſecond them in Caſe of an Engagement, wheel'd about, and declined to engage upon Conſideration of their Inequality in Number. The Duke after this Defeat, returned the next Day to the Camp (with ſome Booty and Priſoners) before *Derry*. On the 30th of *July*, Major General *Mackarty* was diſpatched at the Head of about 6000 *Iriſh*, with a Reſolution totally to deſtroy the *Inniskillen* Men. Upon Notice of the Enemies March, the *Inniskilleners*, to the Number of 2000, advanced to meet them as far as *Newton Butler*, a Town near 20 Miles diſtant from *Inniskillen*, where a very hot and dubious Fight happpened: And to be a little more particular, *Mackarty*'s Men having advanced as far as the Town upon the Approach of the *Inniskilleners*, began to retreat in ſome Diſorder, with a Deſign to draw the Enemy into their Ambuſh, which the Enemy were aware of, and therefore were very ſlow in the Purſuit, *Mackarty* having paſſed a Bog near a Mile beyond the Town, which had a narrow Cauſey through the Middle of it, by which the Enemy were to paſs, he rallied his Men, and came down upon the Purſuers in very good Order, and having placed his Cannon at the end of the Cauſey, he began to play upon them with great Fury, which obliged the Foot to take the Bog, and make up to the Cannon, and in Spite of the continual firing, they ſeized upon them, and killed the Gunners; upon this their Horſe advanced along the Cauſey without any Moleſtation, which *Mackarty*'s Horſe perceiving, wheeled about, and made the beſt of their Way toward *Wattle-Bridge*; but the Foot held the Charge ſtifly, till ſuch time as they underſtood they were deſerted by their Horſe, and ſet upon by both the Enemy

nemies Horſe and Foot, then they began to run. Up- 1689.
this the *Inniskilliners* purſued them cloſely, till they
me to the foreſaid Bridge, which being an advanta-
ous Paſs, they ſecured, and left it defended by a good
uard of Horſe, and about 200 Foot, in Order to keep
e Cannon they had taken from the Enemy, when the
t were upon the Purſuit, and continued in it till 10
the Clock the next Morning. While theſe things
re acting, General *Mackarty*, when his Men fled, re-
ed, after he had acted his Part very valiantly, into
e Neighbouring Wood near the Place where the Can-
n was planted; ſome time after, he with five or ſix
fficers more came out of the Wood, and fired his Pi-
l at them that guarded the Cannon, upon which the
nemy poured a whole Volly upon him and his Follow-
s, and ſhot his Horſe dead under him, and he did not
ape wounding in ſeveral Places, and as one of the
ldiers was going to knock him in the Head with the
ck of his Muſquet to put him out of his Miſery, one
his Officers that were with him, cried out, *That it
their General* Mackarty; upon which Quarters were
ven to him and the other Officers, and they were car-
d that Night to *Newton Butler*, where when he was
ed with his Indiſcretion in charging them that guar-
d the Cannon, with ſo few Followers, while he
ght have made his Eſcape, by Way of Anſwer he
feſſed, that he found now that Kingdom like to be
t, his Army being the beſt (of their Number) that
ng *James* had, unleſs thoſe before *Derry*, and that he
me to fight or to loſe his Life, and was ſorry that he
iſſed of his End, being unwilling to out-live that
y. The Loſs ſuſtained by the *Inniskillengers* were not
ove 20 Men killed, among which, was one Captain,
d one Cornet; the Wounded were above 50 Perſons,
t on the other ſide, there was 3000 killed and drown-
; for ſeveral making their Eſcape towards the *Lough*,
re ſo cloſely followed by the Purſuers, that they
re forced to take the Water, wherein moſt of them
riſhed.

Here, before we proceed any further, we ſhall beg
ave to return to *Dublin*, and enumerate the moſt ma-
rial Proceedings of the late King's Council, during His
jeſty's Stay there, and then to the Proſecution of the
ar without any Interpoſition of Civil Affairs. The Fri-
Councellors ſwore before his Majeſty after his Arri-
val

1689. rival in *Ireland*, were Duke of *Powis*, Duke of *Berw*
Earl of *Abercorne*, Lord *Thomas Howard*, Earl of *M*
K. *James* his Privy Council in *Ireland*. *ford*, Lord Chief Justice *Herbert*, Lord *Dover*, Colo
William P——, Colonel *Dorrington*, Marquess *d'Alber*
Lord *Kilmallock*, Colonel *Sarsfield*, Lord *Merrion*, E
of *Carlingford*, Earl of *Carrickard*, Lord *Kenmore*,
Lord *Clare*. The late King by the Advice of his Co
cil having called a Parliament in that Kingdom; t
even in the Being of that Parliament advised him
they said that they would not trouble the Parliame
to cause vast Quantites of Brass Mony to be Coy
and to make the same Current by a Proclamation, wh
He coyns Brass Mony. was done *June* 18. 89. Those that pass with us now
a Farthing, commonly known by being called K
James's Shillings, were to pass for Twelve-Pen
Piece, and the now half-Pence for half a Crown, wh
the next Year were called in by another Proclamati
and being stamped a-new were to pass for Crowns.
this Coin, the King paid all his Soldiers, and the
mers, for any Provision; besides another Proclama
was issued forth the 4th of *February* 89, to make
Coin Current in all Payments whatsoever; where
first Judgments, *&c.* were excepted. Of this sor
Mony, there was Coined by Computation from fir
last 965375 Pounds, and that about the space of
Twelve Month, for the Defeat at the *Boyn* did not p
Stop to it. The King's Council being apprehensive
was then given out) of some Danger from the Pr
stants of *Dublin*, and to prevent the Fear of any Dis
bance from them, they issued forth a Proclamation,
ted the 13th of *July* 1689, wherein it was forbidden
Protestants to go out of their Parishes: Upon the N
of this, they issued forth a Proclamation, bearing D
July the 20th, being the same Day on which the P
liament was prorogued, the Contents thereof was,
it was his Majesty's Pleasure and Command, that
Protestants should bring in all their Swords, and ot
Arms by such a limited time, under Penalty of be
dealt with as Rebels and Traytors.

Now it being the 13th of *December*, this Year,
King and Council published another Proclamation,
which it was acknowledged, that the seizing of Chur
(which was done by *Tyrconnel* before, and after
King landed there in several Parts of the Kingdo
was a Violation of the *Act of Liberty of Conscience*,

hibited the seizing of any more for what use soever. 1689.
strange and unaccountable was the Policy of Ro-
n Catholicks, for most of them got Information be-
e Hand of the King's Pleasure to issue out such a
clamation, therefore they took Care to possess them-
ves of those Churches that were yet in the Hands of
Protestants, for in the Proclamation there was no
der for the Restitution of those seized before the
blication of it, but only Prohibited any such thing
be done after the Date of the said Proclamation.
ther the Papists, after it was published, did what-
r they could to keep it from the Knowledge of the Pro-
ants in remote Places, and when the Protestants had
a Sight of it, yet their Churches in their Possession
n were (contrary to the Proclamation) seized upon
the Papists, who when the other Party pleaded the
t of *Liberty of Conscience*, and especially the Procla-
ion, used to tell them, that the King had nothing
do with them or their Churches, that they were im-
diately under the Pope, and that they would neither
nd him, nor his Proclamations, or Laws made to
Damage of the Holy Church; but the Protestants made
r Application to the King and Council, by Petition-
them, and by their good Industry, got some of the
y Council, tho' Papists, to espouse their cause, the fol-
ing Petition of *Wexford* prevailed, notwithstanding
the Opposition made against it, both by the Attorney
neral, and the Solicitor General, the Petition runs thus.

Most humbly Sheweth,

That your Petitioner being Minister of the Parish- Mr. *Al-*
Church of S. *Iberius*, in the Town of *Wexford*, *en's* Peti-
h therein for several Years past, daily celebrated tion to K.
rine Service, and exercised all other Offices of his *James.*
ction with Piety to GOD, and constant Loyalty
your Majesty: Yet Your *Petitioner* on the 25th of
ber last, was dispossessed of his said Church, (con-
y to the late Act of *Liberty of Conscience*) by Ed-
d *Wiseman* Esq; Mayor of *Wexford*; who a few Days
, did not only, by the Rabble introduced by him,
k down, and demolish all the Pews and Altar
the said Church, but did seize, and unjustly detain
r Petitioner's *Vestments*, *Church-Book*, and other Or-
ments thereof, to the great Prejudice of your *Petitioner*
his *Parishioners*; although your Majesty's Roman
Catholick

1689. Catholick Subjects have ſeveral Chappels fit for the f
Exerciſe of their Religion, both within and with
the Walls of the ſaid Town, and whereunto ſeve
Proteſtant Inhabitants have given liberal Contributi
Your *Petitioner* further ſheweth, That he the ſaid *E*
ward Wiſeman, as Magiſtrate of the Town of *Wexford*,
obliged (as uſually it hath been by the Act of *Veſt*
to encourage and provide for the Relief of diſtreſſed O
phans, and other Poor of the ſaid Town of *Wexfor*
yet uncharitably refuſeth to interpoſe his Authority
the Behalf of ſuch Poor, whereby they muſt inevitab
periſh, if not ſpeedily Relieved.

May it therefore pleaſe your Majeſty, to reſtore your P
titioner to his Pariſh Church, which was never forfei
by Abſence, or otherwiſe: And that the ſaid Edwa
Wiſeman *may be obliged to repair it, and leave it*
the ſame Condition he found it; And that ſuch C
may be taken for Relief of diſtreſſed Orphans, and
ther Poor from Famine, as is uſual.

And your Petitioner ſhall ever pray, &c.

The Reaſonableneſs of this Petition being ſo manif
cauſed King *James* and his Council to make an Or
for the Reſtitution of the Church; but ſo little was
Kingly Authority then regarded, that the Mayor and
ther Officers of the Town refuſed it, which being co
municated to the King put him into a Conſternati
and made him expreſs himſelf with more Paſſion th
was uſual, that he ſhould be obeyed: And at length
was in this thing; tho' others as juſt Petitions and O
ders from the King and Council, for their Churches R
ſtitution were neglected. On the 28th of *February* t
Year, another Proclamation was iſſued forth, ſettin
ſet Price upon certain Goods and Commodities, wh
were to be taken *nolens volens* from the Owners (wh
the King wanted any for himſelf, or the uſe of his
my) at the appointed Rate in the Proclamation. T
7th of *May* following, the Mayor of the City of *D*
lin, thought fit to reinforce the ſaid Proclamation ab
the Rate of Goods in the Market; but Colonel *Lutt*
the Governour of the City, did not think the May
Order ſufficient, and therefore publiſhed an Order of
own by beat of Drum, declaring, that whoſoever tr
greſſed the Lord Mayor's Order either by buying or

ing should be hanged before their Doors. This Gover- 1690.
nour being in *April* before at the Quarter Session held
at *Kilmainham* near *Dublin*, and on the Bench, made a
speech upon this occasion, declaring that King *James*
wanted Wheat and other Grain for his Horses, and that
he had given the Country Farmers three Weeks to bring
in their Corn, and had waited for their Compliance
during that time, and he resolved to wait further till the
Saturday after; and if they did not bring it in by that
time, he would compel them, and further protested,
that he would have that Man hanged before his own
Door, that did not obey and bring in his Corn accor-
ding to Order. On *June* the 18th this Year, the said
Governour, without the Cognizance either of the King
or Council, as was generally reported, published the
following Declaration.

By the Governour of Dublin, *June* 18*th*, 1690.

Lutterel's Order against the Protestants Meeting.

WHereas several disaffected Persons of the Prote-
'stant Religion, are of late come to this City
of *Dublin*, and some of them Arm'd with Swords, Pi-
stols, and other Weapons, contrary to His Majesty's
express Commands by his Royal Proclamation bearing
date the 20th Day of *July*, 1689.

'I. These are therefore to Will and Require all Men
whatsoever, of the Protestant Religion, now residing
or being within the said City of *Dublin*, or within
the Liberties of St. *Sepulchre Donnor*, or *Thomas Court*,
who are not House-keepers, or have not followed some
lawful Vocation therein these Three Months past, to
depart within Twenty four Hours after the Publication
hereof, out of the said City and Liberties, and re-
pair to their respective Habitations, or usual Places of
abode in the Country, upon Pain of Death, or Im-
prisonment, and to be farther proceeded against as
Contemners of his Majesty's Royal Commands, and
Persons designing the Disturbance of the Publick
Peace.

'II. And likewise, That all Protestants within the
said City and Liberties, not being of his Majesty's most
Honourable Privy-Council, nor in his Army, or actu-
al Service, shall within the time aforesaid deliver up
their Arms, both Offensive and Defensive, and all
their Ammunition into his Majesty's Stores in the
said City, upon Pain of Death.

1690. 'III. And that no Proteſtant whatſoever do preſum
'at his Peril, to walk or go in the Streets, from Ten
'the Clock at Night till Five in the Morning, nor
'any time when there is an Alarm. In which caſe
'ſuch Perſons are required for their Safety, and for t
'Security of the Publick, to keep within Doors till ſu
'an Alarm is over.

'IV. And laſtly, For the Prevention of Riots a
'unlawful Aſſemblies, Theſe are therefore to Will a
'Require all the ſaid Proteſtants, that no greater Nu
'ber of them than Five ſhall meet and converſe at a
'time, either in any Houſe within the ſaid City or
'berties, over and above the Family of the Houſe;
'in the Streets and Fields, in or about the ſame, or e
'where: Hereby declaring, That all Perſons who ſh
'offend againſt any Clauſe in this preſent Order, ſu
'Death, or ſuch other Puniſhment, as a *Court Ma*
'ſhall think fit.

I ſhall not comment upon this Order, but return
the Council, by whoſe Advice the King iſſued out a
ther Proclamation, bearing Date the 15th of *July*
wherein it was prohibited, to give above 1 *l.*
for a Guinea, and for a *Lewis d'Or* above 1 *l.*
Many other Orders and Proclamations were ſet ou
the King and his Council, on which we ſhall not i
any longer, but look back to ſome Military Acti
Schomberg would not allow to *Carrigfergus* any other C
ditions than to be made Priſoners of War, which
Beſieged would not comply to. Great Havock was
with the Cannon and Bombs, which at laſt did th
habitants of the Town great Harm, for the Soldier
ing continually upon the Walls, ſuffered but little
them; The firing of the Cannon ſtill continuing,
ſiderable Breaches were made in the Walls, but th
ſieged were not wanting to repair them, all they c
and fill up others, and after ſuch Shifts had failed
they drove a great Number of their Cattle fro
Town into the Breaches, where whilſt the Aſſa
killed them with their inceſſant Firing; the Beſieg
make good the Breaches, covered the dead Cattle
Earth, Stone, and other Rubbiſh: But all availing
nothing, they hung out a white Flag, and ſent
Propoſals, which at laſt the Duke agreed to, an
mitted them to march out, but (according to the

Carrigfergus ſurrendred.

litions) with their Arms and ſome Baggage only, and were conducted to *Newry*, which was the next *Iriſh* Garriſon: And upon their marching out, Sir *Henry Ingoldsby*'s Regiment was put into the Town; and the next Day the Duke having augmented his Army, by more Forces come from *England* marched to *Belfaſt*, and from thence, ordered the greateſt Part of the Train to be ſhip'd (for moſt of the Artillery Horſes were yet at *Cheſter*) and the Fleet to Sail with them to *Carlingford-Bay*, while in the mean time, the Army marched by Land through *Hilsborough*, and pitched their Camp at *Drummon*; and the next Day being the 20th of *September*, they moved and bended their march towards *Laughbritlane*, where they were joyned with the *Inniskillin* Horſe and Dragoons, and advanced towards *Newry*: At the News of their Approach, the Garriſon deſerted the Town and burnt it, and ſet ſeveral other Places on fire as they retreated, which Deſolation incenſed *Schomberg* ſo much, that he ſent after them, and acquainted them, if they did not deſiſt from ſuch Barbarities, he would give no Quarter to any of their Followers. On the 8th Major General *Kirk*, Sir *John Hanmore*, and Brigadeer *Stuart*, with their reſpective Regiments joyn'd the Duke, but the Fleet failing to come up *Carlingford-Bay* (as ordered) it was thought adviſeable (upon Intelligence that the Enemy conſiſted of about 20000 Men, and encamped at *Drogheda*) to halt and proceed no further expecting the Train. General *de Roſne* hearing of the Duke's halting was reported to ſay, that he was ſure (for he underſtood the *French* Policy) that the Duke wanted ſomething, and therefore ordered the Army to move towards *Ardee*.

1689.

On the 30th of *September*, Monſieur *de Roſne* having advanced near the Duke's Camp, detached a Party of 600 Foot, and 1500 Horſe to attack the Paſs at *Newry*, and fall into the Enemy's Rear; but the Duke having notice thereof, ordered ſeveral Battalions of Foot to oppoſe them, which together with a Party of Horſe advancing in good Order, obliged the Enemy's Foot to retire, as did their Horſe, upon Advice that my Lord Meath's Horſe, and Sir *Henry Ingoldsby*'s Foot had marched to the Duke's Camp then at *Newry*: The Day following the *Iriſh* drew out in Battle Array, and moved towards the *Engliſh* Camp, upon which, ſeveral of the *Engliſh* Officers adviſed Duke *Schomberg* to ſend for the

1689. Horſe home from Foraging, to which the Duke ſeemed unwilling, ſaying, *Let them alone, we will ſee what they will do, for I ſee no ſign of their Deſign to engage:* But the Enemy advancing within Cannon ſhot of their Trenches, and drawing themſelves into two Lines. He gave Orders to Lieutenant General *Douglaſs*, to go to the Camp and put the Foot into a Poſture of Defence, and give the Signal by firing three Pieces of Cannon, for the Horſe to return from Foraging to the Camp. *Douglaſs* had no ſooner given Orders, but all the Army were ready for the Battle, and thereupon the *Iriſh* thought it reaſonable to wheel off, and decline the Engagement for that time.

Tho' the two main Armies were thus unwilling to engage, yet the *Inniskillin* Men were not ſo timerous on their Part; for on *Fryday* the 27, News came to the Camp, that Colonel *Lloyd* heading about 1000 Horſe Dragoons and Foot, ſet upon a Body of the Enemy commanded by *O Kelly*, to the Number of 5000 Men intending to make themſelves Maſters of the Town of *Sligo*: Colonel *Lloyd* having lined the Hedges of the Lane of *Boyle* with his Foot, poſted his Horſe on a riſing Ground, charged the Enemy ſo ſuddenly and unexpectedly, that after a hot Diſpute, they were put to the Rout: Then the Colonel taking a Circumference with his Horſe and Dragoons got into *Boyle*, in Order to intercept the *Iriſh* in their Retreat, which he did, charging them with his Horſe in the Front, whilſt the Foot fell upon them in the Rear; yet the *Iriſh* ſeeing themſelves ſo ſurrounded, fought moſt deſperately, but at laſt broke their Way thro', leaving 700 of their Number ſlain upon the Spot, and near half as many taken Priſoners, among which laſt, was their Commander *O Kelly* and 40 other Officers, and the Plunder was very great for beſides Arms and Ammunition, 8000 Head of Cattle were taken from them. Duke *Schomberg* at the News of this Victory, cauſed the Guns in the Camp to be diſcharged, as a Signal of their Joy, which were anſwered by the *Inniskillin* Horſe from their Camp, and by the great Guns from their Line, as alſo from the Ships that lay at the Mouth of the River.

Iriſh defeated.

Things proving thus unſucceſsful on the late King's ſide, now the Scale ſeem'd to turn, and his declining Intereſt began to increaſe and flouriſh for a while in the Kingdom, as appears by the Sequel: For about this

time, Colonel *Sarsfield* commanding a conſiderable Bo- 1689.
dy of Men, under the late King, appeared before *James* Town, which the Garriſon thinking not tenable, quit-ted, and in their retreat towards *Sligo*, ſeveral of their Numbers were cut off by their purſuing Enemies: And the Day following, the Colonel advanced after them to *Sligo*, at whoſe Approach Colonel *Ruſſel* retired to *Ballyſhannon*; yet Colonel *Lloyd* and *de S. Sarvem*, Captain of a Party of Granadeers, would not follow his Exam-ple, but retired to the two Forts at the end of the Town, and were moſt induſtriouſly beſieged by the Enemy, but Colonel *Lloyd* deſparing to keep the Beſiegers out after the Loſs of ſeveral of his Men, got away in the Night: The French Captain defended his Fort (where he had ſome Proviſion and Ammunition) with great Bravery, making uſe of Fir-deals dipped in Tar, and then ſet on fire, and ſo hung over the Walls in the Night time, for the better diſcovering of the Enemies Aſſaults, by which Means they deſcryed the Enemy, bringing their Sow, an Engine ſo called, to the Walls, and fired upon the Engineer, whom they killed, and few more about it, and then had the Opportunity to burn the Engine: Day appearing, the Beſieged made a Sally, and by their continual firing, forced the Aſſailants to quit a ſmall Field Piece that they had planted in the Street, and by that Means freed themſelves from great Danger; but Proviſion growing ſcarce, the Captain was forced to ca-pitulate and had Liberty to march out with his Men, who as they paſſed by, were every Man proferred five Guineas advance in Hand, and a Horſe, with all other Accouterments, if they would enter into King *James*'s Service, but none accepted of the Proffer but one, who the next Day after, brought all off to his old Compa-ny; this was but a Prelude to what followed ſome time after at the *Engliſh* Camp at *Dundalk*, which was like to contribute not a little to Reinthrone King *James* in his Kingdoms, had not Providence determined other-wiſe: For now there was ſuch a Mortality among the *Engliſh* *Engliſh* Soldiers, that at leaſt 1700 of them periſhed, be-*die apace.* ſides many Officers and Gentlemen of Note; as Sir *Ed-ward Deering*, Colonel *Henry Wharton*, Sir *Thomas Gower*, and Mr. *Hungerford*: Moreover they were forced to ſhip off for *Belfaſt*, no leſs thon 1970 ſick Perſons, whereof 800 died before their Arrival, as ſome thou-ſands did that Winter at the Hoſpital in *Belfaſt*; ſo that

1689. at leaſt half the Army died this Campaign, which broke up now as the Seaſon of the Year required, and both Armies retired into their Winter Quarters; where we leave them, and begin the new Year, with a Relation according to our Promiſe, of what was acted in *Scotland* in Favour of the Prince, who is the main Subject of our Hiſtory.

The Affairs of *Scotland.*

We find no conſiderable Action between the two Parties this Year in this Kingdom, till the 22th of *Auguſt* when a Party of the late King's Favourers, aſſiſted with the *Atkol* Men, march'd towards *Dunkell*, where the Lord *Angus*'s Regiment was poſted, between which and the Enemy, happened a ſharp Encounter, but it ended to the Advantage of the *Williamites*, who forced their Attackers to retire in ſome Confuſion, leaving 115 of their Number dead upon the Spot, and ſeveral taken Priſoners; yet for all theſe Succeſſes, his Majeſty King *James* having ſent two Frigats, laden with Cloaths, Arms, and Proviſion from *Dublin*, to his Favourites in *Scotland*, on Board which Frigates, were Colonel *Buchan*, Colonel *Wauhup*, beſides 40 Officers more, who all ſafely arrived in the Iſle of *Mull*, and joyning with Colonel *Cannon* (who made the only Figure for his Maje at that Juncture) they increaſed to the Number of 150 and marched as far as *Strathſpag*, where Sir *Thomas* *vingſtone* commanding eight hundred Foot, 6 Troo of Dragoons, and 2 of Horſe, met them, and a deſp rate Fight enſued thereupon, but the Jacobites havi but few Horſe, Sir *Thomas*'s Dragoons broke in up them, and entred their Camp, making a terrible Slaug ter of all before them, while a great many of them h the Wit to truſt more to their Heels than their Swor but for all that, there fell in this Action, between and 500 of them, and about a 100 were taken Pri ners, among which were ſome conſiderable Office The Conſequence of this Rout, was the daily Decl ſion of his late Majeſty's Intereſt in that Kingdom; upon the Neck of this the Caſtle of *Lethingdey*, kept Colonel *Buchan*'s Nephew, was beſieged by Sir *Tho* *Levingſtone*, and after a ſmall reſiſtance was furrend to him at Diſcretion, as was the Caſtle of *Dewart* in Iſle of *Mull*, about the ſame time reduced by Ma *Ferguſon*; ſo that now the late King's Favourers gan to think of their own Security, and in O thereto many of them ſubmitted to King *Will*

and took the Oaths of Allegiance to him: as the Lord *James Murrey*, the young Laird of *Ballacon* and his Father; the Lords of *Levingſtone* and *Daffus*, with the Earl of *Collendar*, were ſet at Liberty, having together with the Earls of *South-esk*, *Brodalbane*, and the Lord *Strathmore* took the Benefit of the Indemnity, and gave ſufficient Sureties for the Securities of the Peace. Hereupon ſeveral of the Party, being uncapable to do King *James* any longer Service in that Kingdom, made their eſcape for *Ireland*, hoping that their King's Preſence there would render their Attempts more ſucceſsful. 1690.

Having thus brought the Affairs of *Scotland* to a Period, we find at the beginning of this Year, the *Engliſh* Army after their great Mortality (which we mentioned before) were towards the beginning of *February*, in ſuch a Condition as to make an Appearance in the Field; and Duke *Schomberg* their General, upon Information that the Enemy were drawing down towards *Dundalk* in great Numbers, with a Deſign to moleſt the Frontier Garriſons of the *Engliſh*, diſpatched a conſiderable Body both of Foot and Horſe towards the Place to oppoſe their Deſign; and the Duke with the reſt of the Army, ſoon after moved after them towards *Drummore*; but the *Iriſh* during this Motion of the Duke, had an Eye upon *Belturbet*, which was taken away from them ſome time before, and in order to regain it, a conſiderable Number of their Party privately advanced to *Cavan*, but not with ſuch Secrecy, but that Colonel *Woolſey* had Notice thereof, who having muſtered up 300 Horſe and Dragoons with 700 Foot, ſet out from *Belturbet* in the Evening, with a politick Deſign to ſurprize them before the next Morning, in which he failed as the Enemy had done in theirs; for it was an Hour after break of Day before he reached their Camp, and they were ſo far from being ſurprized, that they had drawn up a Body of about 9000 Men, advancing in good Order and in Battle Array to meet their Enemies: Upon which the Colonel having not the Advantage to retreat with the leaſt Honour or Safety, according as the ſhortneſs of time would permit, ſpoke to his Followers to this effect, *That he was reſolved to Fight, and ſhewed what Advantage would follow of being valorous, and their proving otherwiſe would be the inevitable Ruine of the whole Party.* Upon which he detatched a Party of the *Iniskillin* Dragoons towards

Woolſey routs the *Iriſh*.

1690. the Enemy, who immediately charg'd the advance Dragoons forced them to retreat, and beat them bac paſt the Front of their own Foot, who were ſo incenſe thereat, that ſome of them fired upon them, whereby or 8 of them were killed, and many more by the purſ ing Enemy, who alſo advancing too far in the Purſuit were ſet upon by General *Kirk*'s Foot, and many of the were killed. In the Interim, another Body of the *Iri* having poſted themſelves upon a Hill, fired inceſſant upon the *Engliſh* making their Attempt to advance u the ſaid Hill, but their ſhot flying over did ſcarce Execution; and by that Advantage *Woolſey*'s Men ad vanced up by the ſaid Hill, and ſome came to hand Blows with the Enemy, and others plying them wit continual Vollies, they loſt that Poſt, and fled to th Town, and having entred a Fort they had there, an finding the *Engliſh* remiſs in their Order, for moſt them were fallen to Plunder, they ſallied out upon the and were like to turn the Scale of the Battle, had n Colonel *Woolſey*, with 250 Foot and 80 Horſe whic he had kept for a Reſerve, come up to their Aſſiſtanc whereupon the Enemy retired to their Fort again; an the Colonel ſet fire to the Town (wherein moſt of the Ammunition and Proviſions were deſtroyed) to prevent his Soldiers from plundering again, and give anoth Opportunity to the Enemies to ſally upon them, ſin he found not himſelf in a Condition at that time to a tack the Fort. In this Action, the Duke of *Berwick* th had arrived the Night before with 2500 Men in th Camp, had his Horſe ſhot under him, and Colonel *Rely* Governour of *Cavan* was killed upon the ſpot wi two Lieutenant Colonels and other Officers of No This Defeat diſappointed the Duke of *Berwick*'s Inte tion, who (as the Priſoners reported) was to comman 10000 Men, to be detatched out of all the Regimen and make Incurſions as he ſaw Opportunity; but no tho' he had ſome Probability to get ſo many Men t gether, yet he found it not adviſeable to purſue his D ſign, having loſt all the Ammunition in that Town, which there was a great Store, and upon it was his D pendance.

About the middle of *February*, Duke *Schomberg* di patched a Party of 1000 Horſe, Foot, and Dragoon under the Command of Sir *John Lanier*, who upon A vice that the *Iriſh* were in Motion near *Dundalk*, ma

a D

Divertion that Way, and took *Bedloe* Caſtle, and brought away a great Number of Cattle from beyond the Town, and about it, and ſoon after, Colonel *Wolly* took the Caſtle of *Killiſhandra*, and then retired to his Poſt at *Belturbet*, where the General ſent him a Battalion of the *Daniſh* Forces, that were ſome time before landed in the Kingdom. Theſe Things thus happening in the *North* to the Diſadvantage of the King, and the Diſcouragement of his Party, his late Majeſty was not ſo much diſheartned at the News of the fore-mentioned Loſſes, as at what happened in his own Sight about this time in the Bay of *Dublin*; for the only Man of War that he had was taken by Sir *Cloveſly Shovel*, who having convoy'd ſome Ships laden with Neceſſaries for the Army to *Belfaſt*, on the 18th of *April*, upon Information of the Frigat's lying in the ſaid Bay, he ſailed towards the ſame, and having entred it with ſome Yatches and long Boats, he made up towards it. The poor King when he was advertiſed of this, was ſo far from thinking them to be his Enemies, that he rejoyced at it ſaying, *They were ſome of his Loyal Subjects of England, that were returning to their Duty and Allegiance:* But alas! he ſoon found his Miſtake, for by this time the Yatches began to fire upon the Frigat, which was not wanting to ſalute the Enemy with the ſame Complement; at laſt the Captain ran it aground, and then perceiving a Fire-ſhip making up to it, he and his Men being about 40, quitted it, and took Refuge among ſeveral Regiments that were on the Shoar (as alſo was his Majeſty) that came to their Aſſiſtances, but the Ship was took in ſpite of all Oppoſition. 1690. *Engliſh* take *Bedloe* Caſtle.

But to return to the *North*, General *Schomberg* having his Eye upon the ſtrong Caſtle of *Charlemont* in the Poſſeſſion of the Enemy, he with a ſmall Party took a view of it, which he found very defencible, both by Art and Nature, as having its Scituation in the middle of a Bog, and unacceſſible, ſave only by two Ways, which by the Induſtry of the *Iriſh*, were rendred in a manner unaſſaultable: Yet the Duke thought fit to block it up, and reduce it to a ſurrendry by Famine, ſince he could not do it by Arms, and an Accident happened, that favoured not a little his Deſire; for Lieutenant Colonel *Dayeſant* having Intelligence, that *Mack Mahon*, with a Body of near 500 Men had carried ſome Proviſion and other Neceſſaries into the Caſtle over Night, watched his

1690. his return ſo narrowly, that the next Night in his marc
ing out, he was intercepted by Captain *La'Carry*, wh
had but 20 Men with him; for the Lieutenant Colon
had divided his Company into three Parts. The Ca
tain from his Ambuſh, fired upon the main Body of t
Enemy as they marched by, which put them into ſuc
a Conſternation, that eight of their Number, a
an Officer being killed, they returned into the C
ſtle: Then the General reinforced the Blockade, a
kept the Garriſon from coming out of the Caſtle for t
ſooner Conſumption of their Proviſion, which *Teag*
O'Regan the Governour of the Place was apprehenſi
of, and therefore threatned the Body that returned in
the Caſtle, that if they could not get out, they ſhou
have no Entertainment nor Reſidence within, whi
they had not, for they were forced to ſhelter themſelv
in little Huts, built by them in the dry Ditch witho
the Gates of the Caſtle, which being ſtraitly blocked u
Colonel *Callimote* poſſeſſed himſelf of a ſmall Villa
within a Mile of it: Hereupon the Enemy came o
to the Number of about 300 Men, but were repulſed a
ter a dubious Conflict, and forced to abandon their O
Works; but after many ſmall Sallies, the Garriſon found
ſelf neceſſitated to capitulate, tho' Old *Teague O'Regan*, u
on the Duke's ſummoning the Place to ſurrender, fo
time before, was pleaſed to anſwer, That the Duke w
an old Knave, and by St. *Patrick* he ſhould not have t
Town at all. Upon the 12th of *May*, the Governo
demanded a Parley, which was granted, and a Lieu
nant Colonel and a Captain having had Leave a
Guards to conduct them from the Officers before
Town, went to the Duke with the Terms of Surr
dry, which were agreed to, and in Purſuance to the A
ticles, the Governour and the Garriſon being 800 ſtro
marched out, leaving in the Place a good Quantity
Ammunition, but no Proviſion, 17 Pieces of B
Cannon and 2 Mortars. The Surrendry of this Pl
being one of the ſtrongeſt in the Jacobites Poſſeſſi
proved a fatal Stroke to the late King's Intereſt in th
Parts.

Charlemont ſurrendred.

This was the Poſture of the *Iriſh* Affairs, when K
William having ſet out from *White-Hall* on the 4th
June, on the 14th landed in *Ireland* at *Carrigfergus*, fr
whence the ſame Evening, he went in the Duke
Schomberg's Coach to *Belfaſt*, and leaving that Place

K. *William* lands in *Ireland*.

Days he advanced on the 19th to *Hilsborough*. The *Engliſh* Army having Orders to march into the Field, 1690.
camped at *Loughbritland*, where the King after his arrival there, viewed them with great Exactneſs, the whole conſiſting of 36000 Men; from thence they decamped into the Plains of *Dundalk*, where they ſtay'd not long, but upon Advice that the Enemy had abandoned *Ardee*, they directed their March thither: While King *William* was thus upon his March, the late King as ſoon as he was informed of his landing in *Ireland*, began to ſtir himſelf, and on the 16th of *June* ſet out from *Dublin*, with about Six Thouſand *French* Foot, being old experienced Soldiers, and in a very good Condition both as to Arms and Cloaths: One Regiment of his Retinue were *Dutch* Proteſtants, in which the King did not much confide, fearing their Revolt to the Prince of the ſame Religion and Country; no ſooner was his late Majeſty marched out of the City with theſe his Forces, but 6000 of the Country Militia by his Order took Poſſeſſion of the Place, the Colonels *Butterel* and *Mac. Gillicuddy* being left Governours. King *James* having joyned the reſt of the *Iriſh* Forces, the total amounting to 36000 Men beſides 15000 which remained in Garriſons, repaſſed the *Boyne*, for it was thought Policy to avoid Fighting (by his Council) they designing to weary out the *Engliſh* by walking them along the River, for it ſeemed a thing impoſſible for them to paſs it, while he had Forces enough to defend the Banks of ſuch an Advantage; but the unfortunate King fearing the worſt, and miſtruſting the Iſſue, ſent to Sir *Patrick Trant* Commiſſioner of the Revenue to prepare him Ships at *Waterford*; that in caſe of his being defeated, he might ſail for *France*. The *Iriſh* being in this Poſition, His Majeſty King *William* on the 30th of *June*, by break of Day, marched from his Camp at *Ardee* towards *Drogheda*, and while the Foot and Artillery arrived, his Majeſty narrowly viſited the Poſture of the Enemy, and the Fords thereabouts which he found to be very difficult to paſs; and thereupon the King being very buſy in viewing the Enemies Camp, and ſearching for the moſt fordable Places in the River, and after his Toil, alighting of his Horſe, he reſted himſelf upon a riſing Ground, where he refreſhed himſelf an Hour, but as he was mounting he was levelled at by a Field Piece, planted the other ſide of River oppoſite to him, which

1690 which killed one Man and two Horſes within a 10 Yards of him, and after, another was fired, which h almoſt given the fatal Blow (had not Divine Goodn prevented it) for his Majeſty received a Wound in t right Shoulder by the rebounding of the Bullet, fr the Bank of the River, but this light Buſineſs hi dred not the King to continue on Horſe-back four Hou after, to give the neceſſary Orders.

The two Armies being thus in ſight one of anothe and nothing hindring them to engage but the River b tween them; King *William* about 9 at Night called Council of War, to adviſe what method to take und thoſe Circumſtances; he declared to them that it was h Reſolution to paſs the River the next Morning. Du *Schomberg* did not approve of this at firſt, but findi the King firm in his Intention, they fell to conſult how could beſt be effected. At laſt having got Guides acquain ed with the River, this Regulation was agreed upo that early in the Morning Lieutenant General *Dougl*

Battle of the *Boyne.* commanding the Foot, and Duke *Scomberg* with t Horſe of the right Wing, were to march towards *Sla Bridge*, and endeavour to paſs the River there at two three Fords, being about three Miles beyond the Cam aud attack the Enemy in the Flank: According to t Reſult of the Council, early the next Morning, whic was *Tueſday* the 18th of *July*, *Douglas* and Duke *Schom berg* paſſed the River, and at their Arrival they foun themſelves attacked by a Regiment of Dragoons, wh as ſoon as they came near the Banks fired upon them but the *Engliſh* in as good Order as the Place would a low them to be in, took the Water, and got both Foot an Horſe on the other ſide, upon which the Enemy's Dragoo began to retreat to the main Body, which they could not d without the Loſs of a conſiderable Number of them Here Lieu. Gen. *Douglas* obſerving that the Enemy e tended themſelves into two Lines he ſent for more Foo to extend his to the ſame manner, which done, he find ing that there was a great Bog to the left, thro' whic it was impoſſible for the Horſe to march, the Figur was altered, and all the Horſe commanded to the right and the Foot to take the Bog: Upon this the *Iriſh* re treated, tho' their Foot ſuffered much by Duke *Schomberg* Horſe. Hereupon the King, tho' he was ignorant of wh had paſſed between *Schomberg* and the Enemy, yet ſuppoſin that by that time, they had paſſed the River, ordere

three

ree Attacks to be made, the first at a good Ford before 1690
small Village, which was advantagiously possessed by
e Enemy, the *Dutch* Regiment of Foot Guards took
e River first at *Old Bridge*, wading to the middle; as
on as they advanced to the middle of the River, the
emy from the other side behind the Ditches and in
e Village, fired upon them all at once, yet they made
o Halt, but as soon as they got footing on the other
le, they drew up in two Files and then fired upon the
sh, who not bearing the Charge quitted their Posts;
t before the third Batalion of that Regiment had pas-
d the Ford, 5 Batalions of the *Irish* came up very
dly at the Distance of a Pike's length, to beat the
ssilants back, but they firing upon them and their Fol-
wers, they retired with the Loss of some Men, and
e of their Colours: Then the *Dutch* advanced be-
und the Village, putting the *Irish* Foot to flight before
em, at what time they were vigorously charged by a
uadron of the late King *James*'s Horse, tho' to little
rpose: But about this time a Squadron of Lieutenant
neral *Hamilton*'s Horse coming down to the brink of
e River to oppose Sir *John Hanmer*'s, and Count
ssau's Regiments in passing it, tho' they could not hin-
r their Passage, yet in their Retreat, they fell upon
e *French* Foot with that incomparable Resolution, that
t of them broke through Monsieur *Callimot*'s Regi-
nt, and then wheeling about thro' the Village to re-
ver their own Men, they were intercepted by the
tch and *Inniskillin* Foot, and most of them, after a
iant Resistance, cut off. The *Dutch* that passed first
e River were by this time advanced as far as the
dges into the open Fields, at what time the *Irish*
rse came down upon them again, and both flank'd
d fronted them, killing a great many, but their main
dy was so firm and close, and other Regiments co-
ng up to their Assistance, that the *Irish* were forced
retire, but not without some Loss; and to renew the
arge, a few Squadrons of the *Irish* Horse came with
h Courage to attack the *Dutch*, but had something
do first by the Way; for by this time the *Inniskillin-*
n and the *French* Foot were advanced into the Field,
o vigorously engaged the Enemy, and obliged them
retire with a considerable Loss.

In the mean time the *Danes* came up to the Left, as
o the Brigades of *Hanmer* and *Melionere* on the Right;

the

1690 the first were so valiantly attack'd in the Front by *Hamilton*'s Horse, that they were forced to retreat and many of them to cross the River again. Here about Officers and others of King *James*'s Guards, setting riously upon the Enemy, were all cut off to 5, who deavouring to escape thro' the Village, met (as some s posed) with Duke *Schomberg*, who was shot in the N with a Pistol-shot, and receiving divers Cuts over Head, fell off his Horse, not speaking a Word, Capt. *Faubert* alighting to relieve him, was shot in Arm; and not long before Dr. *Walker*, who was so mous for the Defence of *Derry*, as you heard before, he had passed the River, received a Wound in his ly, of which he instantly died. The Death of D *Schomberg* was otherwise Reported by some; *That he ving advanced so far towards the Enemy, their Horse a desperate Charge upon him, and he had not above* 300 *to sustain it behind him, In this Charge he received two in his Forehead, but it was thought he had his mortal Wo from the* French *firing behind him.*

During these Actions, King *William* had passed River before with the Left Wing of the Horse, which he advanced towards the *Irish*, that were in very good Order marching up to meet them, but ing come within Musquet shot of the *English*, they a Halt, and upon the advancing of the King's Left W of Horse, that were very eager to charge them, they ced about, and made their Retreat again towards *D more*, where King *James* was, at whose Presence, having the Advantage of a Hill, upon which *Dun* a small Village stood, they rallied and faced about, charged the Horse drawn up by King *William* with Vigour, that they were forced to give Ground; at wh his Majesty in his Retreat, rid to the *Inniskillingers*, headed them against the Enemy, that were now bold upon the Advantage they had gained: The *Innisk* Men fired briskly at the audacious *Irish*, but his Maj wheeling to the left, to give Room for his own Me advance, the *Inniskillengers* did the same, as if they obliged to follow their General, which gave the *Ir* further Opportunity to make good their Posts; here on the King rid to the Left and drew up his *D* Troops, at which time the *Inniskillingers*, conscious their Mistake, returned to their old Posts, and fo resolutely; But the *Irish* still shewed themselves

brav

ively; for by this time part of their Number had 1690
at a Party of the *Engliſh* commanded by Lieutenant
eneral *Ginkle*, who had charged them in a Lane to the
eft: yet here ſome Dragoons having Orders to alight
d take the Advantage of a Hedge and a Ruined Houſe
ar the Lane, put a ſtop to the Career of the Enemy,
hereby the *Engliſh* had time to Rally and begin the
harge afreſh. And thus the Fight continued in a dubi-
s State, and yet rather inclined to King *James*'s Side,
hich did a little revive his drooping Spirits, as conce-
ing *that all the Hopes of his Reſtoration depended upon that*
ay's Work.

Things being thus in a moſt co-equal Poſture, the *I-*
ſh Foot began to abate their Courage, and ſlacken in
e Repetition of their Firings, at which Lieutenant
eneral *Hamilton* (a Man, tho' an Enemy to the Prote-
nt Intereſt, yet, to give him his due, ſhew'd himſelf
be an experienced Commander, and a brave Soldier
this Fight) finding that his Foot gave Way, he put
imſelf at the Head of the Horſe, and fought obſti-
tely, till ſuch time as the *Engliſh*, encourag'd at the
etreat of his Foot, preſs'd hard upon him, and routed
s Troops, and wounded himſelf on the Head, took
im Priſoner, and the reſt of the *Iriſh* Army did not
old out much longer, tho' *Hamilton* when he was
ought to the King told his Majeſty, *that upon his Ho-*
ur, he believed they would fight ſtill, for they had a good
dy of Horſe.

But to return to the Right Wing, the *Iriſh* were ſad-
baffled there alſo: For upon the continual Advance-
ent of our Forces, they quitted ſeveral Hedges and
Ditches as they were puſhed upon, and at laſt made o-
er a Bog towards a Place called *Duleck*, where they
ade ſome ſhew of Rallying, but upon the News of
hat happen'd on the Left, they put themſelves to an
pen Flight, and were purſued by the *Engliſh* very cloſe-
, putting all to the Sword before them. The *Engliſh*
orſe continued in the Purſuit of them four Miles be-
ond *Duleck*, which Place was diſtant four Miles from
he Place of Battle; at laſt, Night coming on, did put
Stop to the Chaſe, and the King ſent to command
hem to return; where the Foot made a Halt, and having
aken Poſſeſſion of the Booty, conſiſting of Baggage
Chariots, Arms and Ammunition, *&c.* they ſtood to
heir Arms that Night.

The

1690. The moſt Famous of King *James*'s Followers kill in this Battle, were the Lord *Dungan*, the Lord C *lingford*, and Sir *Neal-O-Neal*, and ſome others of l Quality, and about 1500 Soldiers and inferiour Office

On the other ſide fell about 400, among whom was t famous Duke *Schomberg*, Dr. *Walker*, and many other bra Officers, beſides what died of their Wounds afterward one of which was Monſieur *Callimot*.

Upon the Loſs of this Battle, the late King march off with his broken Forces from *Duleck*, where he rece ved the laſt Rout, to *Dublin*, and having ſent for t Magiſtrates and the Council of the City, addreſſed hi ſelf to them in the following Speech.

Gentlemen,

'I Had a very good Army in *England*, and when I h 'the greateſt Occaſion for them, they deſerted m 'and went to the Enemy, and made a total Defecti 'againſt me, and then I retired and went to *Fran* 'where I was kindly received by that King, and h 'all the Aſſurance imaginable to re-eſtabliſh me on m 'Throne: In ſome time after I came to this Kingdo 'and found all my Roman Catholick Subjects as well 'quipt and prepared to defend my Cauſe as their Ab 'lity could bear; and tho' I have been often cautione 'that when it came to the Touch, they would nev 'bear the Brunt of a Battle, I could never credit t 'ſame till this Day, when having a good Army, a 'all Preparations fit to engage a Foreign Invader, 'found the fatal Truth of what I had been ſo oft 'precautioned; and tho the Army did not deſert m 'as they did in *England*, yet when it came to a Try 'they baſely fled the Field, and left it a Spoil to m 'Enemies, nor could they be prevailed upon to Ral 'tho' the Loſs in the whole Defeat was but inconſid 'rable; ſo that henceforward I never more determi 'to head an *Iriſh* Army, and do now reſolve to ſhi 'for my ſelf, and ſo, Gentlemen, muſt you. It h 'often been debated, in Caſe ſuch a Revolution ſhou 'happen, *Whether, upon deſerting of the City of* Dubli '*the ſame might not be fired*; I do therefore charge yo 'by your Allegiance, *That you neither rifle it by Plu 'der, nor deſtroy it by Fire*; which in all Kingdoms wi 'be judged very barbarous, and muſt be believed 'be done by my Orders; and if done, there will be b

'litt

little Mercy to be expected from an Enemy that is en- 1690.
raged.

King *James* having ſtaid at *Dublin* one Night, the
ext Morning, accompanied with the Duke of *Berwick*,
e Earl of *Tyrconnel*, and the Marqueſs of *Powis* as his
ttendants, he poſted to *Waterford*, and having arrived
ere the ſame Day, he went aboard of a Veſſel called
e *Count de Lauzun*; but the Sieur *Foran*, chief of the
quadron, meeting them at Sea, cauſed him to go a-
ard one of his Frigats, in order to make more Expe-
ition in his Paſſage, and arrived ſafely in *France*, and
ok his Reſidence at St. *Germains*, and there we leave
m at preſent; and before we return to the Armies in
eland, it would not be amiſs in this Place to give the
ader an Account how far the *French* King at Sea had
ntributed to his Reſtoration, which indeed was very
nſiderable, had his Abdicated Majeſty met with the
me Succeſs in *Ireland*.

K. *James* returns to *France*.

For about the Beginning of *June*, the *French* King
forth a great Fleet, conſiſting of 82 Men of War,
ſides Fireſhips and Tenders, and ſtood to the *Engliſh*
aſt. The Queen having Notice thereof, ſent to the
l of *Torrington*, then Admiral, Orders to fight the
emy wherever he ſhould meet him, who accordingly
the 24th ſailed from St. *Helens*, the Wind at North
, and ſtood towards the *Fleet*, which was ſeen the
ening before off Freſh-Water Gate in the Iſle of *Wight*,
the Wind taking them ſhort, he came to an Anchor
of *Dunneſe*, within five Leagues of the *French*, who
the next Morning were at *Compton-Bay*, and in the
ternoon of the ſame Day ſeveral *Dutch* Men of War
ed our Fleet, and ſome other *Engliſh* Men of War
had been cruizing abroad.

Now it being the 30th of *June*, the Day before the
le at the *Boyn*, the two Fleets drew up in Lines off
Beachy, about 9 in the Morning, the *Dutch* having
Vanguard, began the Fight, as alſo did ſome of the
liſh; but being not ſeconded by the *Engliſh* Admi-
who unexpectedly ſtood away (for which he was
d afterwards, but was clear'd) whereby (though
ers attribute our Loſs to the Inequality of the Strength,
e Earl pleaded at his Tryal, which was conſiderable
e Advantage of *France*,) ſeveral of the *Dutch* Ships
burnt and the *Engliſh* fared but a little better; for

Sea Fight

Dutch and *Engliſh* defeated.

1690. thoſe that fought were much batter'd. The Fight con-
nued from Morning to Evening, and the *Dutch* h
fought ſo long that ſcarcely they could make their Eſca
from being all deſtroyed. The principal Officers of
Dutch killed, were their Rear Admiral *Van Dick*, R
Admiral *Brackle*, and Capt. *Nordet*: Of the *Engl*
Capt. *Potham*, and Capt. *Pumroy*, with the two C
tains of the Marine Regiments, and Capt. *Goes* loſt
Ship.

The *French* after this rowed their Gallies towards *T*
bay and then ſent their Boats aſhore at *Tinmouth*, and
that Village on Fire, as alſo they did 3 Veſſels in
Harbour; but upon the Approach of the Militia
were up in that Country, they retired into their Sh
again, carry'd off ſome Sheep and other inconſidera
Booty, and returned to *Breſt*.

The *French* were not a little overjoy'd at the New
this Defeat, and much more at the falſe News of
Death of the Prince of *Orange* (as they call'd him)
arrived there at this time; and not enquiring into
Proofs of it (which might eaſily be confuted by K
James's deſerting *Ireland*) had only the Report of
of King *James*'s Servants that arrived few Days a
to induce them to a Belief of it; and ſuch was t
Joy on this Account, that tho it was brought them a
Midnight, yet the Commiſſaries immediately ran a
the Streets, crying out to the People to riſe and make
fires; ſo that in leſs than 2 Hours all the City of
ſhined with Fires, and nothing was to be heard,
the Shouts and Acclamations of the People, Dr
Trumpets and other Inſtruments. Then the Mob
the Effigies of King *William* and Queen *Mary*, and dra
them thro the Streets, and after they had ſatisfied
Contempt, and tired themſelves in ſo doing, they
them into the Fire, *&c.* And ſuch was the *French*
rioſity (if it may be ſo called) that they conſulte
Phyſicians upon this Matter, who, to humour the
ſulters, gave their Opinion, *That the Wound of a C*
Bullet was Mortal.

But it is time for us to leave this Kingdom to its
ſtake, and return to *Ireland*, and ſee ſomething
in earneſt there. Upon the Defeat of the *Iriſh* a
Boyn, King *William* having reſted his Forces, the
Day diſpatched away 6 Battalions of Foot, and 4
drons of Horſe, under the Command of Col. *Mel*

to ſummon *Drogheda*, and let them know, *that if his Majeſty was forced to bring his Cannon before the Place, they muſt expect no Quarter.* The Governour at firſt ſeemed reſolute to defend the Place againſt all Attempts, but upon Conſideration that by all Probability the *Iriſh* Army were defeated at the *Boyn*, he accepted of the Conditions proffered him, and marched out with the Garriſon, having their Baggage only, for their Arms were denied them. 1690.

Now aſſoon as the late King had left *Dublin*, the Biſhops of *Meath* and *Limerick* having formed a Committee, it was agreed to ſend Letters to King *William* to acquaint him of what paſſed, and invite his Majeſty to the City, and take it into his Protection. On the 5th of *July* the Duke of *Ormond* and Monſieur *Overkirk*, were ſent with 9 Troops of Horſe, and his Majeſty followed with his Army, and encamped at *Finglaſs*, from whence the next Day, being *Sunday*, he went to St. *Patrick's* Church, where there was a Sermon Preached by Dr. *King*; the ſubſtance being about the Power and Providence of God, in protecting his People, and defeating his Enemies.

The King at his entry into the City was preſented with two Addreſſes, the one by the Biſhops of *Meath* and *Limerick*, in the Name of the Clergy, and the other by the Magiſtrates, in the Name of the Citizens; and his Majeſty was pleaſed to ſet forth his Declaration ſome Days after to the *Iriſh*, aſſuring all, under ſuch a Quality, of his Protection.

But to return to ſome Military Acts, the King when he marched himſelf Weſtward with the greateſt Part of his Army, diſpatched Lieutenant General *Douglas* with 3 Regiments of Horſe, 2 of Dragoons, and 10 of Foot, towards *Athlone*, where he arrived on the 17th, and ſummoning the Caſtle to ſurrender, the Governour, Col. *Grace*, like an old *Trojan*, fired a Piſtol at the Drummer that did that Office, ſaying, *that ſuch were the Terms he was for.* Upon this impertinent Anſwer, *Douglas* fell to work to raiſe Batteries, and planted 2 Field Pieces to prejudice the Beſieged's Guns, which took effect in ſome Meaſure, and having a Battery of 6 Guns finiſhed by the 19th, they began to play upon the Caſtle, in which they made a Breach, but it being high and near the Top, and the Train too ſmall for the Enterpriſe, it was laid aſide; however the firing continued very

1690. brisk on both ſides, and the Beſieged had the good Luc
to kill Mr. *Nelſon* the Aſſailants beſt Gunner, beſid
the Men before the Town ſuffered very much, eſpecial
the Cavalry, for the *Iriſh* had waſted the Country an
deſtroyed the ſame for 10 Miles round, and at that tim
it was reported, that *Sarsfield* at the Head of 1500 Me
was advancing to raiſe the Siege; upon that the Gener
(having ſent his Sick before to *Mullingar*) called a Cou
cil of War, and the Reſult of it was to raiſe the Sieg
which was done on the 25th, when he had loſt befo
the Place both by Sickneſs and the Sword of the Enem
about 400 Perſons. The raiſing of the Siege, gave ſom
Hopes of prevailing to King *James*'s Friends; for th
King's Intereſt was ſenſibly decayed, ſince their Defeat
the *Boyn*.

In the mean time King *William* being on his Marc
Weſtward (as was ſaid before) by continual moving can
to *Kilkenny*, where the Duke of *Ormond* had arriv
ſome time before, and had taken Poſſeſſion of it. T
King on the 19th of *June* dined with the Duke at t
Caſtle of *Kilkenny*, in which there was plentiful Pr
viſion of all Neceſſaries, left there by Count *Lauzu*
who had deſerted it ſome time before.

The *Engliſh* Forces being thus Proſperous in the We
Major General *Kirk* was diſpatched with his own Reg
ment and ſome other Forces on the 21ſt following,
lay Siege to *Waterford*. Upon his Appearance befo
the Town, he ſent a Summons to the Garriſon, conſi
ing of two Regiments: The Town at firſt made a fai
Refuſal to ſurrender, yet they ſoon after ſent out to kn
what Propoſals they might have; which being the ſame wi
Drogheda, the Garriſon would not accept of, but up
underſtanding that the Enemy were making a form
Siege, they Capitulated, and on the 25th marched o
with Arms and Baggage, and were conducted to *Mal*
The Conſequence of this was the Surrendry of the ſtro
Fort of *Duncannon*, having all things convenient in it
make a conſiderable Reſiſtance; but they accepted
the ſame Terms with *Waterford*.

Now the Army was upon the March towards *Li*
rick, where *Tyrconnel* and *Lauzun* had Rallied and dra
together the late King's Forces, and Encamped withi
Mile of the Town, on the other ſide of the River,
vantageouſly Poſted, and at the ſame time Monſi
Boiſleau, Governour of the City, was furniſhed with
neceſſa

ceſſaries for the Defence of the Place. On the 9th of *Auguſt* the *Engliſh* Forces came in ſight of the Town. The Enemy thus poſted, the *Engliſh* in very good Order advanced towards the River, and having ſet the Pioneers to work upon the Hedges, which they cut down, and other Obſtacles in the *Engliſh*'s Way, they made a good Progreſs towards the Banks of it, yet the *Iriſh* from the Thickets and other advantageous Poſts, played very furiouſly upon the *Engliſh*, but in ſpight of all Oppoſition they made good their Poſts, and obliged the Enemy to give Ground. Hereupon the King, tho' it was late, reſolved to paſs the River, and attack the Enemy in their Entrenchments, and advantageous Poſt on the other ſide; but the Officers upon Debate, in Conſideration of the approaching Night, offered their Sentiments that it would ſtand with more Conveniency and Probability of Succeſs to attempt it the next Morning, to which his Majeſty was pleaſed to agree, and by the next Day the *Iriſh* terrified at the Boldneſs of the *Engliſh*, the Evening before had diſlodged themſelves, ſo that the Army paſſed the River without any Oppoſition, and drove the *Iriſh* under the very Walls of the City; but as ſoon as they got under their Walls, they ply'd their Purſuers with great Eagerneſs with their great Guns, and ſeveral were killed thereby; yet for all this the *Engliſh* gain'd Ground ſtill, and at laſt Encamped within Cannon ſhot of the Town by 5 in the Afternoon, and began to raiſe Works for their Defence and ſhelter againſt the Enemies Guns; which being effected, the King having diſpoſed of the Army in their reſpective Poſts, he ſent a Trumpet into the City with a Summons to the Governour to ſurrender, and offered advantageous Conditions upon that Conſideration; but tho' moſt of the Garriſon ſhewed ſome willingneſs to an Acceptation of the Propoſals, yet it was ſaid that the Governour, the Duke of Berwick, and Col. *Sarsfield*, were very averſe to it, and thereupon *Boiſleau* the Governour ſent a Letter to Sir *Robert Southwel*, Secretary of State (becauſe he would refuſe giving his Majeſty the Title of King) importing, *that the Town was intruſted to his keeping, by Perſons whom he was obliged to obey, and that in Caſe he had comply'd to the Summons, he was confident that the Prince of* Orange *would conceive but a very ill Opinion of him, ſince he had not as much as fired a Gun at him before; therefore he was reſolved to maintain the Place to the laſt Extremity, where-*

1690.

1690. *by he hoped to gain his Highneſs's Eſteem.* Upon this th
Trenches were opened, and the *Iriſh* for their Defen
fell to build Forts, and other defenſive Inventions,
protect them from the Cannon of the Enemy, wh
could not do much Execution, they daily expecting the
Train and great Cannon, that were not yet arrived
the Camp. About this time a *French* Gunner in the E
gliſh Camp having revolted into the Town, gave an A
count to the Beſieged of the Enemies Poſture, a
which way the Train was to come; upon which Co
nel *Sarsfield* was diſpatched in the Night with a con
derable Body of Horſe, who croſſed the River, and
rected his March towards a little old Minory Caſtle c
led *Ballenedy*, whereunto the Train came, being with
Engliſh 7 Miles of the *Engliſh* Camp: Here the Colonel wa
Train ing his Opportunity, fell on all of a ſuddain upon
blown up. Convoy that guarded them, and made a terrible Slau
ter of them, ſparing not the Waggoners, and the Co
try People that were carrying Proviſions into the Ca
The Convoy upon the Alarm made what Attempt t
could to get to their Horſes that were a grazing, to
themſelves in a Poſture of Defence, but moſt of th
that endeavoured to fetch them up were intercepted
the Enemy and cut to Pieces, and all their Horſes tak
but ſome of the *Engliſh* Officers made what Reſiſtance t
could to defend the Ammunition, tho' to no Purpo
for the *Iriſh* having killed about 60 Perſons, and thi
ing it not worth their while to purſue thoſe that m
their Eſcape, began to break the Boats, and hav
gathered the Carriages, Waggons, with the Br
and Ammunition, and as many of the Guns as
ſhortneſs of time would permit them, into one H
and having filled the Guns with Powder, and pl
their Mouths to the Ground, for their more certain f
ting, they at their Departure ſet fire to the Heap, w
was blown up into the Air, making a moſt aſtoniſ
Noiſe; and the Enemy got away before Colonel
ningham with a Party of 500 Horſe, who was upo
March to meet the Train, reached them, and in his
ſuit after them he had no better Succeſs; for whe
towards the left to intercept the Enemy in their Re
over the *Shannon*, they paſſed clear another way int
Town.

This bold Feat of *Sarsfield* contributed not a litt
the raiſing of the Siege, as you ſhall hear by and

and he himſelf was reported to ſay to a Priſoner taken by him, *that if he had not ſucceeded in that Enterpriſe, he deſign'd to go for* France. 1690.

The *Engliſh*, tho mightily diſcouraged at the mentioned Diſaſter, yet reſolved to continue the Siege, and the great Guns that came from *Waterford* by Sea, being by this time arrived in the Camp, Batteries were raiſed, and all things being in a Readineſs to make Breaches in the Walls, on the 17th the Prince of *Wirtembergh*, Lieutenant General, Major General *Kirk*, *Tetteau*, and Sir *Henry Bellaſis*, Brigadiers, with 7 Battalions entred the Trenches, and made an Advancement of 300 Paces and took 2 Redoubts from the Enemy, who ſeem'd to diſpute the Ground Inch by Inch. Another ſtrong Redoubt of the Beſieged was approached to by Lieutenant General *Douglas*, Lord *Sidney*, and Count *Naſſau*, and on the 20th the ſign was given by firing of 8 Guns about two in the Afternoon, for attacking the ſame; hereupon the *Engliſh* to the Number of 150 beſides Officers, went on to work with great Reſolution, and after an obſtinate fight, they entred the Fort and drove out the Enemy, killing about 40 of their Number, but about half an hour after the Beſieged ſallied out with a conſiderable body both of Horſe and Foot, upon the *Engliſh* that had taken the Fort, but they were forced to return, *re infecta*. Now it being the 22d when the Beſiegers had battered all Day their High Towers, and made a conſiderable Execution therein, in the Night they threw ſeveral Bombs and Carcaſſes into the Town, as they did the next Day red hot Bullets and Bombs.

All the Beſiegers Batteries being finiſhed, and 30 Pieces of Cannon mounted on them, the Trenches by the 25th were advanced within 30 Paces of the Ditch, and a conſiderable Breach being made in the Wall near St. *John's Gate*, and part of the Counterſcarp; on the 27th the King ordered the Counterſcarp ſhould be attacked that Afternoon. About 3 a Clock after the ſignal was given by firing 3 Pieces of Cannon, a Detatch'd Party of Granadiers made the firſt onſet, firing with their Pieces, and throwing in their Granadoes: Then the *Iriſh* receiving the Alarm, powred whole Vollies both of great and ſmall Shot, without any Intermiſſion, and the Aſſailants were as diligent in the Repetition of theirs; upon which other Detatchments ſeconding the ſaid Granadiers, the fight proved very terrible and dubious on

1690. both ſides, till ſuch time as Capt. *Carliſle*, commandin the Granadiers mounted the Counterſcarp, and tho h was killed there, yet his Lieutenant encouraging t Men, they went on boldly; at which the *Iriſh* were terrified, that they began to lighten themſelves of the Arms for their better Expedition, and fly into the Town Upon that ſome of the Aſſailants, contrary to their Order in the Heat of Action, entred the Town pell-mel wit the Run-away *Iriſh*, who fled from the very Walls of t Town, and retreated over the Bridge into the *Engli* Town, but the *Iriſh* obſerving that few of the *Engli viz.* about half of the Earl of *Drogheda*'s Granadie had entred the Town, and that the reſt did not ſecon them, they Rallied and faced the Aſſailants, and ply them ſo hot that few of them got out of the Town wi their Lives; and upon that the *Iriſh* came upon t Breach again, and the Reſoluteneſs of the Women w ſo great that they audaciouſly appear'd upon the Breac and ply'd the *Engliſh* inceſſantly with Stones, broke Bottles, and all other ſuch like deſtructive Inſtrumen that came firſt to their Hands, while the Men on the Part could not for ſhame be leſs valorous, ſo in fi the Beſiegers were forced to quit their Poſts and reti into their Trenches; and here a Regiment of *Brad burghers* having, through their Valour, got upon t black Battery, were moſt of them on a ſuddain blow up.

This Action continued above three Hours, in whi at leaſt 500 of the *Engliſh* were killed upon the Spo and above twice as many wounded. Upon Conſider tion of this ill Succeſs, and the far Advancement of t Seaſon, the King thought it high time to raiſe the Sieg Siege raiſed. ſo that on the 30th of this Month, the heavy Bagga and Cannon were ſent away before, and the next D the Army decamped, and marched off towards *Clonm* The King, after he had conſtituted the Lord *Sidn* and *Thomas Conningsby*, Eſq; (ſince made a Lord) G vernours of *Ireland*, and having intruſted Count *Sol* with the Command of the Army (who going for *E gland* afterwards, it was given to Lieutenant Gene *Ginkle*) he Embarked, accompanied with the Prince K. *William* leaves *Ireland*. *Denmark* and ſome other Lords, at *Duncannon*, and rived ſafe on the 5th of *September* in *King*'s *Road*, n *Briſtol*, and on the 9th came to *Windſor*, where we w leave him, and return to the Affairs of the late Ki

Jam

James in *Ireland*, from which we have made this ſmall Digreſſion. 1690.

Beſides the unfortunate Succeſs of King *William* before *Limerick*, and his being conſtrained to raiſe the Siege; there were ſeveral other Towns ſtill in the Poſſeſſion of King *James*'s Favourers, and their Army was yet very numerous, whereby his Friends had ſome confident Hopes of the Reſtoration of that Kingdom to his Obedience again; but much about the Arrival of his late Majeſty at *Windſor*, the Lord *Marlborough* with a Fleet was diſpatched from that Kingdom, and on the 21ſt of *September* arrived before *Cork* Harbour and came to Anchor; the next Day in entring the Harbour, he was oppoſed by the Enemy who had a Battery of 8 Guns there, but my Lord having ſent two or three Armed Boats on aſhoar, who by their firing obliged the *Iriſh* to quit the Guns, which they dimounted and took Poſſeſſion of; the next Day the greateſt Part of the Land Forces were ſent up the Paſſage, headed by the Duke of *Grafton*, 6 Miles from *Cork*, and having arrived by the 26th within a Mile of the Town, they began to mount their Cannon, having between 5 and 600 Seamen, Gunners, and Carpenters, who were very ſerviceable in Mounting. Here Major General *Scravenmore*, with 1200 Horſe and Dragoons, with Major General *Tetteau*, and 2 Battalions of *Danes*, marched to join the Lord *Marlborough*, as alſo did the Duke of *Wirtemberg* with his *Danes*, and other Detatchments of *Dutch* and *French* Foot upon Report that the Duke of *Berwick* deſigned to raiſe the Siege) and on the 26th Encamped on the North Side of the Town. The Beſiegers began to ply the Town (having taken the *Cat-Fort* before without Blows) with Bombs, and the continual battering of the Wall; the next Day they made a conſiderable Breach in the Wall; at which the Defendants fearing that the Enemy would ſtorm the Place, beat a Parley in the Evening, and ſent an Officer to Capitulate. Hoſtages were exchanged, and a Ceſſation of Arms agreed upon, but the Beſieged not complying with the Terms propoſed, the Firing was renewed, and a conſiderable Breach was made by their Cannon in the Wall, upon which Brigadier *Churchill* with 4 Regiments went to paſs the Iſland, being near the Wall where the Breach was made, which they performed with invincible Courage, being up in Water to the Arm-Pits; my Lord *Colcheſter* commanding

1690. ing the Granadiers led the Van, and valiantly took th
River in ſpite of all the Enemies firing, tho they wer
Duke of *Grafton* killed. within 20 Yards of the Walls of the City; but here th
Duke of *Grafton*, who marched a Volunteer, receive
a ſhot in the Shoulder of which he afterwards died. Th
Aſſailants having thus advanced, the Beſieged beat a ſ
cond Parley, and at laſt the Earl of *Tyrone*, and Co
Ricaut being ſent from Col. *Makillicut* that commande
in the Place, agreed to the Lord *Marlborough*'s Cond
tions, which were, *That the Garriſon, being* 4000 *Me*
Cork ſurrendred. *ſhould be all Priſoners of War, both Officers and Soldier*
and that all the Arms and Inhabitants ſhould be ſecured,
the Proteſtant Priſoners ſet at Liberty; that the old F
ſhould be delivered up within an Hour, and the two Gates
the City the next Day at Eight in the Morning, that an e
act Account ſhould be given of the Magazines, as well
Proviſion and Ammunition; the Priſoners of Note were
Earls of Clancarty, *and* Tyrone *the Governour of the Pla*
and many other Officers of Inferiour Degree.

The *Engliſh* animated with this Succeſs, in the Afte
noon of the ſame Day, a Detachment of Horſe a
Dragoons, under the Command of Brigadeer *Villie*
went to Summons the Town and Forts of *Kingſale:* T
Brigadeer, upon his Approach, found the Town def
ted and ſet on Fire by the Enemy, who had retired i
the old Fort. The Earl of *Marlborough*, ſetting
from *Cork* on the firſt of *October*, arrived at *Five M*
Bridge, and the next Day entred the ſaid Town, wh
the advanced Detachment had induſtriouſly preſer
from the Flame: The Earl having formed the Camp
the Evening, bended his Forces againſt the New F
while General *Tetteau* was ordered to attack the
Fort, which he did early the next Morning, having
ſed the River in Boats, he made a ſhew of ſtormin
in the weakeſt Place, where moſt of the Defendants fl
ed to oppoſe the Enemy, and in the Interim another
tachment made a bold Aſſault in another Place, w
the Beſieged leaſt ſuſpected them, and by that M
the Aſſailants ſoon gained the Baſtion, and at the
time ſeveral Barrels of Powder happened to take F
whereby near 40 of the Defendants were blown up.
on this, the Gunners retired into an old Caſtle in
midſt of the Fort, and immediately ſubmitted t
made Priſoners of War, having loſt by the Ene
Sword, and the unfortunate Accident of Powder, a

600 out of 450. This Fort being thus gained, the Lord *Marlborough* ſent to Summons the new Fort, being more conſiderable than the other; The *Iriſh* in the Fort, tho' altogether unſucceſsful in the Defence of other Places, ſeem'd to hazard the ſtorming of it, as appeared by the Governour's Anſwer to the Summons, ſaying, *That it would be time enough to talk of that a Month hence.* Upon this the *Engliſh* went to work with their batteries, and by the ninth they got near the Counterſcarp and on the twelfth, mounted ſix Pieces of Cannon to the Weſt, where the *Danes* made their Attack, and two Mortars where the *Engliſh* were, all which ſo continued firing, that there was on the *Danes* ſide a pretty conſiderable Breach made, but it proceeded not ſo ſucceſsful on the *Engliſh*'s ſide; therefore on 14th, three Cannons more were placed on their Battery, which played all the Morning of that Day, with more than uſual Conſtancy, ſo that the Aſſailants having their Galleries, and every thing requiſite in readineſs to have laid them over the Ditch, the Defendants beat a Parly about one in the Afternoon, yet the Articles of Surrendry were not agreed to till Midnight, which were in Subſtance that the middle Baſtion was to be delivered up by the next Morning; that the Garriſon being about 1200 Men ſhould march out the next Day after, with Arms and Baggage, and to be conducted to *Limerick*; the *Engliſh* loſs before this Place, was no leſs than 200 Men killed and wounded: But this was of no Moment, in Compariſon to the Advantage they gain'd, by ſubduing this and *Cork*, for thereby a Stop was put to all Supplies from from *France*: And now King *James*'s Party began to deſpair to maintain his Right, as they would have it in that Kingdom, yet they were not wanting to contribute the utmoſt of their Ability to retrieve their own Honour, and his Majeſty's Intereſt, as you ſhall hear the enſuing Year, which we are going to enter upon, and proſecute the Actions of both Parties to a final Period in this Kingdom. 1690.

In the two laſt Months of the preceding Year, as alſo the Beginning of this, we find nothing remarkable in Relation to the two Armies, ſave that the *Engliſh* were now and then ſurprized by the Rapparees, and the Native *Iriſh* with different Succeſſes. King *James*'s Army being generally worſted the laſt Year in all Actions between them and the *Engliſh*, except that of *Limerick* 1691.

1691. *rick* (as is ſaid before) were content to play the defe
ſive part, and keep what they had till further ſuppli
from *France*. But the *Engliſh* about the beginning of *Ju*
thought it high time to undertake ſome Enterpriſe, a
having laid Siege to *Baltimore* in the poſſeſſion of the En
my, it ſurrendred without much time or toil ſpent,
the ninth of the ſame Month. From hence the *Engli*
marched towards the *Athlone*, at the News of who
Approach, the *Iriſh* neglected nothing that was practic
ble to render the Place as impregnable as poſſible: Th
Enemy appearing before the Town, on the 19th bega
to combat with the *Iriſh* that had entrenched themſelv
in their Ditches before the Walls of the *Engliſh* Tow
of *Athlone*; and having beaten them out of the Ditch
they took Poſſeſſion of the ſame, and the next Day
Council of War being called, it was reſolved to ſtor
the *Engliſh* Town, and in order thereto, a Battery b
ing raiſed, by continual firing of that, a Breach w
made in the Wall: Then the *Engliſh* went on boldly towar
the Breach, which they mounted with brave Reſolutio
tho' the Defendants on their Part, were not at all inf
riour in Courage to oppoſe them, but the Town w
taken, and moſt of the Defendants that made the le
ſhew of Oppoſition, fell by the Sword in the Heat
the Action, and ſeveral endeavouring to ſave their Liv
by flight, periſhed in the Water. But for all this
Succeſs of the Beſieged, yet they were ſtill in the Po
ſeſſion of the *Iriſh* Town, and ſeemed not to be ſo di
couraged at their late Loſs, and as to be any ways daun
ed to defend their Poſts to the laſt Extremity, and th
Engliſh were no leſs elevated at their Succeſs, and ther
fore having planted ſome Batteries, and raiſed the
Cannon and Mortars, on the 22th they began to pl
very furiouſly on the North Eaſt ſide of the Caſt
where it was moſt pregnable, and the *Engliſh* having
red by their Granadoes a Mill by the Bridge, where
were about 64 Perſons of the Beſieged, who were
deſtroyed, ſave one Man, yet for all that, the Defe
dants held out ſtill, which obliged the *Engliſh* to ra
more Batteries, one below, and another above t
Bridge, and a third without the Town Wall near t
River ſide, which River they deſigned to paſs, but th
found that the Beſieged were no leſs active to raiſe Ba
teries, and make other Preparations for their Defenc
whereby the *Engliſh* were fruſtrated in their Deſign
eſpecial

1691.

ſpeiially in paſſing the *Shannon*; whereupon the Beſie-
ers began to make their Attempt upon the Bridge, but
he *Iriſh* were ſo valiant in their Poſt, that the Attemp-
rs were glad to retire in great Haſte, yet for all this the
Engliſh on the 27th in the Evening, throwing in their
ranadoes upon the Enemy, burnt their breaſt Work,
id the next Morning having gained this Point, they
id their Beams over, and partly planked them, and a
arty of the *Iriſh* endeavouring to ruin them, were all
t off: But for all that, another Party being but 10
len boldly came up, and almoſt beyond human Strength
rew down the Planks and Beams in ſpite of all the Be-
ged's firing, and the induſtrious Oppoſition they made,
t before the Work was quite finiſhed, 8 of the 10 Un-
rtakers were cut off, upon which the General reſolved
carry on the Work by a cloſe Gallery on that Bridge,
hereby he deſigned to paſs the *Shannon* the next Day,
t his Induſtry proved ineffectual. As for the *Iriſh*
ey made ſuch a bold Attempt upon the Gallery and
em that maintained it, that they beat the latter, and
nt the former, at which the General was ſo diffident
taking that Town, that the next Day being the 30th,
held a Council of War what to do in this Juncture,
hether to attempt another Attack, or draw off from
fore the Place. The chief of the Council were for
ntinuing the Siege, and making another Attempt, and
offered themſelves to be the firſt Attempters, and accor-
gly the next Day Captain *Sandys*, and two Lieute-
nts leading a Party of Granadeers all in Armour,
re the firſt with a moſt reſolute Boldneſs that took
River, and other Detachments, all 20 a Breaſt fe-
nded them, and with much ado, being ſadly galled
the Enemy, got clear on the other ſide of the *Shan-*
, whoſe Stream was very rapid and deep at that
ne, which rendred the Attempt more difficult: Not-
ithſtanding the *Engliſh* having got over, gave Opportuni-
to the reſt of their Parties to lay Planks over the bro-
n Part of the Bridge, while others were laying the
idge of Boats; ſo that they paſſed over ſo faſt, that
leſs than half an Hour they became Maſters of the
wn, but not without a conſiderable Slaughter of the
emy, who fled in great Haſte towards the *Iriſh* Camp,
t was not far of from the Town. Monſieur St. *Ruth* the
neral of the *Iriſh* Army and *French* Auxilliaries was
orted to ſay, upon Notice that the *Engliſh* approach-
the Town, *That it was a thing impoſſible for the* En-

gliſh

1691. gliſh *to pretend to take a Town, and he ſo near with an A my to ſuccour it:* But after the *Engliſh* were in Poſſeſ on of it, he ordered ſeveral Detachments to beat the out again, but it was now too late, whereupon Monſie thought it the ſafeſt Way to decamp, which he did th very Night, and pitched his Camp on the other ſi of *Aghrim* Caſtle, a very advantagious Poſt, which endeavoured to make good with all Induſtry. The *gliſh* General *Ginkle*, after he had put the Town of *A lone* under ſome Regulation, on the 11th, marched after t Enemy, and advanced to *Baliſhanoe*, and encamped alo the River *Suck* upon *Roſcommon-ſide*, being within thr Miles of the Enemy, who were very buſy in extendi themſelves on the Right from the Church of *Killcommo* to *Courtnapori*, about two Miles in Length; their l was extended by a ſmall Brook, with advantagious Hi and Boggs on each ſide, ſo that it was not paſſable Horſes any where, ſave juſt at *Aghrim* Caſtle, whi commanded that Paſs with great Advantage, as did a ſing Ground another Poſt at a Place called *Urachee* their Right; and Monſieur St. *Ruth* ordered the Poſiti of his Forces excellently well, by making uſe of all Hills, Bogs, and Hedges, which he well lined w Muſquetiers, and indeed left nothing unattempted might render his Camp unaſſaultable: On the 12 General *Ginkle* being upon his March towards his Ca St. *Ruth* gave his Men all the Incouragement imagina and made them a very florid Speech, intimating h Inſtrumental and Proſperous he had been in the Era cation of *Hereſy* in *France*, and had brought over a Number of deluded Souls into the Boſom of the Mot Church: And upon this Conſideration, his Maſter *French* King had made choice of him to be the Inſ ment for the Eſtabliſhment of the Church in *Ire* upon an infallible Foundation (but he forgot that Maſter had rejected the Doctrine of the Pope's Infa bility ſome time before) which could not hereafte ſubverted by the Power either of Hell or Hereticks, that the Dependency of all good Catholicks was on t Courage now in Arms to effect it. He further That indeed things ſince his Arrival did not enti anſwer his Expectation, but for all that, there was a P bility and now an Opportunity of retrieving them; he was informed, that the Prince of *Orange*'s Here Army were to give them Battle, upon which depe

the Recovery of their loſt Honours, Priviledges, and Eſtates of their Anceſtors, and further to excite them to be valorous, he minded them, that they were no mercenary Army, but ſuch as were more immediately concerned, and had their All lying at Stake, and that the Reſtoration of a Pious King to his rightful Throne was dependent upon their Valour that Day, as alſo the Propagation of the Holy Faith, and the Extirpation of Herely: And for their further Encouragement, he aſſured them of King *James* his ſingular Favour to reward each of them according to their Merits, and of the Protection of *Lewis* the great: As alſo that they ſhould participate of the Prayers of the Church, and of the Favour of Angels, and at laſt they ſhould be made all Saints, and would be careſſed in the Boſom of the Virgin *Mary*. 1691.

While St. *Ruth* was thus encouraging his Men, General *Ginkle* was upon his motion towards their Camp, and a party of the *Iriſh* Scouts that were in a moving poſture, upon the Hills for the diſcovery of the Enemies order, were ſet upon by a Body of the *Engliſh* detatched for that Purpoſe: Between both Parties there happened a ſharp, tho but ſhort Combat; the *Iriſh* at laſt were put to flight, and were forced to quit their Poſts and retire backwards ſo far as within half a Mile of their own Camp: This gave an Opportunity and Advantage to the *Engliſh* General to view the Enemies Camp as before poſted, and tho' he was not unſenſible of the Difficulty to attack them, yet he was reſolute upon it, and ſaw Neceſſity in the firſt Place of gaining the Poſt of *Urachree* to the Right of the Enemy (as before ſaid) and having ſent ſome *Daniſh* Troops to force it, they by reaſon of their Fewneſs ſucceeded not according to Expectation, ſo that 200 of *Cunningham*'s Dragoons were ſent to take Poſſeſſion of a certain Ford to prevent the Enemies coming over, and had Orders to make themſelves Maſters of other Poſts on the Enemies Right, in Order to have a fair Field to attack them on that ſide; but on the other ſide of the Brook, a Body of the *Iriſh* was poſted, who upon the Advancement of the *Engliſh*, retired beyond a Hill nearer the Camp, where was encamped a greater Body, who aſſiſted with other freſh Parties, engaged the advanced Dragoons, and obliged them to Battle of retreat, upon which *Eppinger*'s Dragoons advanced to the *Agrim.* aſſiſtance of the other, with an Intention to get between the Enemy and their Camp, and by that Means them

1691. hem them in on both ſides; but this failed them, a
now the *Iriſh* were more vigorous in their Change, a
had totally defeated the *Engliſh* Dragoons, had not t
Earl of *Portland*'s Horſe ſeconded them; who, tho' n
without a conſiderable Loſs, at laſt forced the Enemy
retire. The Oppoſition made here by the *Iriſh*, cauſ
the *Engliſh* Officers to conſult, whether it was beſt
defer the Battle till the next Morning (it being no
between two and three in the Evening.) It was carri
in the affirmative, and thereupon they ſent for the
Tents; but all of a ſudden, perceiving the Enemy
ſome Diſorder from what Skirmiſhes had happened, th
altered their Reſolution, and by the Advice of Maj
General *Mackay*, it was reſolved to proceed in the Pr
ſecution of the Charge on the Enemies Right, in O
der to oblige them to draw Part of their Forces fro
Agrim Caſtle, near unto which, their main Body w
encamped, and by this Means the *Engliſh* Right Wi
would have a more eaſy Paſſage, and get a fairer O
portunity to engage, for it was impoſſible for to attem
any thing on that ſide, without drawing ſome of the
Strength from near the Caſtle. Now the *Engliſh*'s Le
Wing moved towards the Enemy, and by five of t
Clock came within Muſquet ſhot of the Ditches, whi
were ſtrongly guarded with *Iriſh* Muſquetiers, ſuſtain
by their Horſe that were advantageouſly poſted behi
them. Here the *Engliſh* charged them very reſolute
but they were recharged by the Enemy with no ſm
Bravery and unuſual Valour, maintaining their Po
to the laſt Extremity, for they would not ſtir from o
ſide of the Ditches, till the *Engliſh* had advanced ſo f
as to put their Pieces over at the other ſide, and th
having Lines of Communication from one Ditch to
nother, they would preſently poſt themſelves and fla
the *Engliſh*, who ſuffered very much in this Plac
the diſpute laſting for an Hour and half before the rig
Wing of the Enemy, and the Center began to enga
Now Major General *Mackay* finding according to h
Deſign, that ſeveral Bodies both of Horſe and Fo
moved, aud were a moving from the left to the righ
to oppoſe the *Engliſh* Charge, laid hold on that Adva
tage, and ſpeedily ordered the Foot to march over t
Bog, which fronted the Enemies main Battle, and
the mean while three Regiments of Foot had Ord
to advance over the narroweſt Place, where the Hedg

on the Enemies ſide ran furtheſt to the Bog, where they were to poſt themſelves, and divert the *Iriſh*, while the Horſe could come about by *Agrim* Caſtle, and ſuſtain them: The Foot marched over the Bog, moſt of them paſſing up to the Middle in Mud and Water, and ſo continued in their Advancement towards the Ditches, tho' they were inceſſantly plyed with the Enemies firing, yet they (after a ſharp Diſpute) gained the *Iriſh*'s loweſt Hedge, and beat them off from thence, and advanced upon them continually, beating them from Hedge to Hedge, till they retired very near their main Body; but here the *Iriſh* having moſt prudently ordered the Matter, ſo that they had made a free Paſſage for their Horſes among all thoſe Hedges, whereby they had Communication one with another, and Opportunity to ſuſtain each other, where the *Engliſh* preſſed hard, by this Means, both the Horſe and Foot poured whole Vollies upon the advanced *Engliſh*, and having extended their Wing, they both fronted and flanked them, ſo that the *Engliſh* were forced with great Loſs to quit their Ground, and retire to the Bog again, and here the Colonels *Earl* and *Herbert* with their Regiments ſuffered very much, both the Colonels were taken Priſoners, but the former after thrice taking and retaking got off at laſt, tho' not without being Wounded, but the latter fared not ſo well, for in the hurly burly when his own Men were like to reſcue him, he was killed; and while the *Iriſh* prevailed thus here, they were no leſs ſucceſsful towards the lower end of the Bog, where Colonel St. *Johns*, Colonel *Tiffin*, the Lord *George Hamilton*, with ſeveral other Regiments, and the *French* in the *Engliſh* Service, had advanced up to the Ditches without any Oppoſition, but when they came within Muſquet ſhot of the Ditches, the *Iriſh* that were ſo concealedly planted there, that they were undiſcoverable to the Advancers, all of a ſudden fired upon them moſt furiouſly, and the Smoak was ſo thick, that the *Engliſh* could ſcarce ſee which way to go, yet they maintained their Ground ſtifly. Things being in this dubious poſition between the Foot of both Armies, and rather inclining to the *Iriſh*'s Advantage, (for by this time, the *Engliſh* in the Center were ſo far driven back, that they by reaſon of the Enemies Mixture among them, had no Benefit of the great Guns planted near the Bog) let us ſee what was a doing all this while by the *Engliſh* 1691.

1691. Horſe, moſt of which (as ſaid before) were making up to charge the Enemy by *Aghrim* Caſtle, from which the *Iriſh* (beſides other Obſtacles in the *Engliſh* way) plyed them with whole Vollies both of ſmall and great Shot; but for all this, they boldly advanced, and the right Wing broke thro' all Difficulties, and came up to ſuſtain the Foot, who (as we have ſaid) were in eminent Danger; and indeed it was no leſs dangerous for for the *Engliſh* Horſe, becauſe of the Difficulty of the Paſs to relieve them, notwithſtanding they at laſt lodged themſelves in a dry Ditch, yet they were ſtill expoſed in that Place to the Enemies Firings, both from the Caſtle and old Walls, and the adjoyning Hedges. The *Engliſh* Horſe being thus oppoſed here, and void of ſhelter from the aforeſaid Ditch, they advanced forward to gain another Paſs, that might prove more advantagious to them, and indeed the Attempt was very audacious, conſidering the Difficulties they were to undergo, for beſides the Cragginеſs of the Paſs, it was ſo narrow, that there were Room for no more than two to go a breaſt and St. *Ruth* ſeeing them ſtriving here, and make their Advancement good, tho' moſt of them were killed as faſt as they appeared, was reported to ſay, that the *Engliſh* were brave Fellows, and it was pity they ſhould be ſo expoſed. However the Horſe ſeconded with four ſeveral Regiments, and aſſiſted with *Leviſon*'s Dragoons gained the Paſs, and beat the Enemy back ſeveral times, yet the *Iriſh* were not wanting to rally, and return up on them with undaunted Courage, and ſeemed to diſpute the Ground with them Inch by Inch; ſo that on this ſide, the Event of the Fight ſeemed ſtill dubious.

But to return to the Center, there the *Iriſh* fought deſperately, and had put moſt of the *Engliſh* Foot to the Rout, which Major General *Talmaſh* obſerving he haſted to their Relief with ſeveral of his Men, and thereby he ſtop'd the Flight of the broken Regiments, cauſed them to rally and face about, and ſo the Fight was renewed again on that ſide. Here the Charge was very hot, for the *Iriſh* encouraged, with the Advantage they had gained, ſtood obſtinately to it, but after the Loſs of about 300 of their Number, they were forced to retreat to their old Ground again, and the *Engliſh* advanced alſo to attack them, where as well as in the right, left, and all along the Line was a very hot Dis-

pu

pute between both Parties, the *Iriſh* doing all they could to maintain their Ditches and other Poſts, and the *Engliſh* no leſs induſtrious to beat them out of them. Now the Scale began to turn by the Death of Monſieur St. *Ruth* the *Iriſh* General, who obſerving the *Engliſh* Horſe to advance near *Agrim* Caſtle, diſpatched a Brigade of his own Horſe to oppoſe their Paſſage, and he himſelf riding to one of his Batteries to order the Gunners to fire as he directed; from thence the General, being very active, as knowing that the late King's Reſtoration depended much upon that Day's Work, marched in great Haſte towards the Place, where the *Engliſh* were endeavouring to get over, and before he came up to the Enemy, he was killed by a great Shot from the *Engliſh*'s Batteries, and there he fell off his Horſe, and immediately one of his Retinue threw a Cloak over his Corps, and ſoon after removed him behind the Hill; at what time his Guards thought it prudence to expoſe themſelves no longer, but withdraw from the Battle. The *Iriſh* Horſe perceiving this and miſtruſting what had happened, they began to faint in their Charge, and a great Number of them retired in great Haſte, at which the *Engliſh* at laſt came on with freſh Courage, and drove the whole *Iriſh* Army before them, to the Top of *Kilcommodon-Hill*, (at the ſide of which, Monſieur St. *Ruth* was ſhot.) Here the *Iriſh*, it being the Place where their Camp had been laid, made ſome ſhew of Reſiſtance, but having no Head to ſuſtain their Body, they were ſoon put to an open Flight, the Foot taking a Bog that was on their left behind them, and the Horſe the Highway towards *Loughreah*, and the *Engliſh* continued in the Purſuit of the Horſe near 3 Miles, and marched forward, with a Deſign to intercept the flying Enemy at an advantageous Paſs near *Loughreah*: But Night coming on, and a thick miſty Rain following at the ſame time, prevented them of their Intention, and gave an Opportunity to the *Iriſh* to eſcape. It coſt the *Engliſh* in this Battle 600 Soldiers, and 73 Officers killed, of both Officers and Soldiers 1100 Wounded. There fell of the *Iriſh* about 7000 and the Loſs of the Field, which gave Opportunity for the *Engliſh* to march without any more Oppoſition to *Galloway*, then in the Hands of the *Iriſh*.

1691

St. *Ruth* killed.

The Night after the Battle, the *Engliſh* for fear of a Surprize from the Enemy, lay upon their Arms all Night; and after few Days Refreſhment they marched

1691. towards *Galloway*, and having appeared before the Town
Galloway after the Posting of the Army about the Place, a Trum-
inveſted. pet was ſent to Summon the Garriſon to Surrender. But
the Lord *Dillon* the Governour of the Place, anſwered
in the Name of the Officers in the Town, *That they were
reſolved to defend it to the laſt Extremity.* Upon which
the *Engliſh* General ordered Part of his Army to paſs the
River, who accordingly did, and attack'd a Fort the Be-
ſieged were a building for their Defence, which they took
Poſſeſſion of. Upon that the *Iriſh* beat a Parley, and
Hoſtages were exchanged, one of which on the *Iriſh*
ſide, was Lieutenant Colonel *Burk*; who (after the *En-
gliſh* General had found that the *Iriſh* demur'd upon the
Matter of Surrendry) was permitted to go into the
Town, to know the Beſieged's Reſolution, and if they
were unwilling to capitulate, Major General *Talmaſh*
deſired the ſaid Hoſtage to tell them that when they
were ready to begin again, to Fire a Gun into the Air.
But the Beſieg'd reply'd that there was no Occaſion for
them to Fire, till they were provok'd to it from with-
out. But at laſt the Garriſon being conſcious of their
Inability to oppoſe the Strength of the Beſiegers, and
no Hopes of Relief left; on the 20th of *July* ſur-
rendred the Town into the Hands of the *Engliſh*, who
after taking Poſſeſſion of it, and ſetting all things in
order there, directed their March towards *Limerick*,
before which Place they arrived the 25th of *Auguſt*, and
the ſame Day, Major General *Mackay*, and Count *Na-
ſau* with their Regiments, were to poſſeſs themſelves of
Ireton's and *Cromwel*'s Forts, which they gained without
much Blood. And the Forts afterwards were called af-
ter their Names, as a ſmall Gratuity of Honour for their
Service in ſubduing the ſame. On the 27th, other De-
tatchments were ordered to inveſt *Caſtle-Connel*, and an-
ther called *Carruck a Gunnel*, ſtanding upon the River
three Miles below the Town. Both theſe after ſome
ſmall Reſiſtance, were ſurrendred, the Garriſons con-
tenting themſelves to be made Priſoners of War. Upon
this the Siege went on briskly, and the beſieged ſuffered
very much from the Aſſailants Cannon, and Bombs,
both which did conſiderable Execution, as well in the
Camp as within the Town; for all that, the Beſieged
were no leſs valorous in their own Defence; tho' now
they were under ſeveral Diſcouragements, eſpecially
when they ſaw the *Engliſh* Ships come up the River
a-

and Fire upon their Horſe's Camp near that Place: For before that time, they were generally poſſeſſed with ſome Hopes of Relief from *France*, and that the *French* Fleet ſhould have ſuch a ſtrict Eye upon the *Engliſh* one, that they durſt not ſtir to carry any more Forces for that Kingdom. And upon the Neck of this, the Beſieged for their further Mortification, were informed of the Defeat of ſeveral of their Parties in the County of *Kerry*, by Brigadeer *Leviſon*. Notwithſtanding all theſe Miſadventures, the Beſieged gave ſuch Entertainment to the *Engliſh*, that the General called a Council of War on the 14th of *September*, to conſult whether it was more adviſable to continue the Siege, or march over the River to deſtroy all the Enemies Forrage, in the County of *Clare*, and then make a Blockade. After a hot Diſpute *pro* and *con* in the Council, the latter was agreed upon, ſo that an Engineer had Orders to go with a convenient Guard towards *Kilmalock*, and fortify that Place; but before he had time to comply therewith, he was countermanded, and the Reſolution of the Council ſeem'd to alter; for on the 19th a Battery was raiſed between *Breton's* (alias *Naſſau's*) Fort, and the old Church, to prevent the beſieged from making Sallies from St. *John's* Gate, as 4 Mortars were alſo raiſed at *Mackay's* Fort, for the Bombarding of the Town, which was very much damnified from this Fort; for it ſtood very convenient for the whole Town, that lay in a Line from thence. Things being thus ordered, the *Engliſh* General with moſt of the Horſe and Dragoons on the 22d, marched over the River, by a Bridge of Boats made for that Purpoſe, into the County of *Clare*, to deſtroy the Enemies Forrage there, and Block up the Town on that Side, while on the other ſide, he had left the Management of the Siege to *Mackay*, and *Tamaſh*. The beſieged play'd upon the *Engliſh* now very briskly, and a Party of their Men attacked Colonel *Matthews's* Dragoons, the Afternoon the *Engliſh* paſſed the River, and obliged the Colonel and his Men to retire, till being ſuſtained by more Forces, ſent to their Aſſiſtance, they renewed the Charge, which continued with ſlow Firings on both ſides above three Hours, at which time the *Engliſh* Foot advanced, who made the *Iriſh* retire under their Cannon. Upon this the *Engliſh* had the Audacity to attack 2 ſtrong Forts near *Thummond* Bridge, both being about a Muſket ſhot of the Bridge, and that on

1691.

1691. the left was defended by a Detatchment of 200 *Iriſh*, who at the Advancement of the *Engliſh* in Reach o them, fired upon them briskly, as alſo the reſt did fro off the Walls, while at the ſame time the Beſieged's Can non and ſome Batteries from the King's Caſtle, ceaſe not to play. The Adventurers for the Undertaking o this Work were the *Engliſh* Granadeers, ſeconded wit 4 Regiments of Foot; and indeed they advanced fur ther, than their Orders, and preſs'd ſo hard upon the *riſh*, that they obliged them to quit their firſt Poſt; bu being reinforced by another Detatchment from th Town, they boldly fronted their Enemies, and a ſho brisk Diſpute hapned between them and the *Engliſ* Granadeers, who ſtill advanced forward, in Spite of a Oppoſition; the *Iriſh* were put to the Rout, and th *Engliſh* ſo cloſely purſued them, that for Fear the ſhould enter the Town *Pell-mell* with the diſcomfite Party, the Draw-Bridge was ordered to be plucked up where moſt of the *Iriſh* that got not into the Tow before, were either killed, drowned, or taken Priſo ners.

The Beſiegers having gained theſe 2 Forts, they loc ged themſelves within 10 Yards of the Bridge. An the next Day being the 22d of *September*, the Guns an Mortars began afreſh to Play upon the Town, as alſo th Beſieged did with theirs, with equal Conſtancy, an tho it continued to rain all that Day to the Prejudice o both Parties, yet they ceaſed not from Firing till Nigh and ſoon after about 6, the Beſieged beat a Parly o both ſides of the Town. Next Morning the *Engliſh* G neral agreed to a Ceſſation of Arms for 3 Days, propoſ by Lieutenant General *Sarsfield*, and Major Gener *Wauhup*, that came from the Town to that Purpoſe; f the beſieged would ſend to their Horſe Encamped ne *Clare*, to have them included in the Capitulation, whi after ſeveral Debates between *Sarsfield* and ſeveral oth of the late King's Officers, with the *Engliſh* Gener was agreed upon and ſigned the 3d of *October* by bo Parties. The Articles conſiſting of two Parts, Ci and Military; I ſhall not here contract, but only o ſerve that the Surrendry, not only of *Limerick* was agre upon, but all Forts, Caſtles and what Holds ſoever we ſurren- in the Poſſeſſion of the late King's Army, were to dred. reſigned into the Hands of His late Majeſty, at t time prefixed in the ſaid Articles, and that as many th

he *Iriſh*, as would or were willing to go for *France*, to King *James*, were ſome time after Shipt off for *France*, at whoſe Arrival, the unfortunate King *James*, directed the following Letter to Lieutenant General *Sheldon*, who headed thoſe Forces, that followed him to the laſt Extremity. 1691.

JAMES R.

HAving been informed of the Capitulation and Surrendry of Limerick, *and of the other Places, which remained to us in our Kingdom of* Ireland, *and the Neceſſities which forced the Lords Juſtices, and the Officers of our Forces thereunto: We will not defer to let you know and the reſt of the Officers that came along with you, that we are extreamly ſatisfied with your and their Conduct, and with the Valour of the Souldiers, during the Siege; but moſt parcicularly of your and their Declaration, and Reſolution to come and ſerve where we are, and we aſſure you, and order you to aſſure both Officers and Souldiers that are come along with you, that we ſhall never forget this Act of Loyalty, nor fail, when in a Capacity, to give them above others, particular Marks of our Favour. In the mean time, you are to inform them, that they are to ſerve under our Command, and by our Commiſſions; and if we find that a conſiderable Number is come with the Fleet, it will induce us to go Perſonally to ſee them, and furniſh them, with all Neceſſaries, and to give them Quarters of Refreſhment. So we bid you heartily Farewel.*

Given at our Court at St. *Germains* the 27th of *November*, 1691.

Thus the unfortunate late King, (I ſay unfortunate both in the Choice of his Religion, when Duke of *York*, and of his Council when King of *England*,) loſt his Intereſt in *Ireland*, which Kingdom indeed had the three laſt Years ſuffered very much by the War, and the Popiſh Inhabitants, were glad now to ſubmit to His Majeſty King *William*, and we ſhall no more, not ſo much as hear of a Sword drawn in that Kingdom in the Behalf of King *James*; who (as before ſaid) after his Defeat at the *Boyn*, went for *France*, and had St. *Germain* in *Laye*, appointed for his Reception, by the *French* King; where (to look a little back) he had begun the laſt Year, to

K. *James*'s Court at St. *Germains*.

1691. form his Court, which consisted of the following Persons. The Duke of *Powis* was constituted Lord Chamberlain, Colonel *Porter* Vice-Chamberlain: The Comptroller was Colonel *Skelton*, the Earls of *Dumbarton* and *Albercome*, Lords of the Bed-Chamber. Grooms of the Bed-Chamber, were the four following Captains, viz. *Mackdonold*, *Beadles*, *Stafford*, and *Trevanian*: The Esquires were the two *Sheldons*; Mr. *Fergus Graham* Privy-Purse: Sir *John Sparrow* belonged to the Board of *Green-Cloth*, and Mr. *Strickland* was constituted Vice-Chamberlain to the Queen. One of the State Officers was Mr. *Brown*, Brother to my Lord *Montague Brown*, and acted as Secretary of State for *England*: One Father *Innes* President of the *Scotch* College at *Paris*, was made Secretary of State for *Scotland*, Sir *Richard Neagle* for *Ireland*; besides Mr. *Carril*, the Queen's Secretary, and Mr. *Stafford*, formerly Envoy at the Court of *Spain*, were added to the Number; whom upon extraordinary Occasions, King *James* used to convene as a Privy-Council: For at that time, the Earl of *Melford*, prime Minister of State, was sent to *Rome* to negotiate King *James*'s Affairs at that Court, and perswade his Holiness, if possible, to excite some of the Catholick Princes to lend a helping Hand to his Majesty's Restoration but the Pope was so far engaged to the Interest of the Emperor in Confederacy with his Majesty King *William*, that he excused himself (as being not supream in Temporal Affairs) and so Nothing came of the Earl's Message.

But to return from whence we have a little digressed, after the Reduction of *Ireland*, to his late Majesty, and the Submission of the *Scotish Highlanders*; Several Protestant Jacobites out of both Kingdoms (as well as from *England*) retired to St. *Germains*, where the Protestant Party began to distinguish themselves, and endeavour to make an Appearance at that Court: And the first step that they made thereto, was to importune King *James* to allow them a Chappel, for the Exercise of their Worship, according to the Church of *England*; and the Proposers of this Request, when they first accosted His Majesty, were not wanting to urge the great Incouragement, such a Toleration would give to his Adherents in *England*, and other Kingdoms, and what Satisfaction and Advantage it would be to such Protestans as followed him. King *James* having patiently heard the Propo-

Protestant's request denied.

sa-

, and tho both common Policy, and his own Cir- 1691.
mſtances ſeemed to convince him of the Reaſonable-
ſs thereof, and almoſt every Body believed that it
ould be preſently granted, yet he was pleaſed to put it
ff at that time, and conſult the Popiſh Confidents about
, who were ſo far from adviſing his Majeſty to concur
ith the Requeſt, that the *French* Jeſuites and other
ealots of the *Roman* Church made it their Buſineſs
ily to inſult over Dr. *Granville* (Brother to the Earl of
th, and formerly Dean of *Durham*) who was propoſed
the Proteſtant Party to be their Chaplain: The Dr.
ſented the Prieſts Inſults ſo ill, that he not only reti-
d from Court, but alſo dreading the ill Conſequences
the Jealouſies, with which they poſſeſſed King *James*'s
ourt againſt him, he was oblig'd to leave the Town of
Germans. The Jeſuits having gained their Point in
moving the Dr. from near the King, tho they could
t pervert him to embrace the Popiſh Religion, which
their main Aim, yet they had better Succeſs (if it
y be ſo called) in their Efforts upon Dr. *Gordon*,
o was a Biſhop in King *James*'s Reign in *Scotland*,
he was reduced to the Neceſſity of abjuring his Re-
ion, not for want of Arguments to maintain his O-
nion, but for want of Subſiſtance, which he could
t get in that Kingdom, but upon thoſe hard Terms.
on this Treatment of the two fore-mentioned Di-
es, King *James* was not unſenſible, that ſuch un-
ifiable Proceedings at his Court would prove pre-
icial to his Intereſt in *Britain*; therefore he diſ-
ched Mr. *Macqueen* and Major *Scot* into *England*,
h Letters from him to his Friends, in which he re-
red, that for the time to come, they ſhould not trou-
him with Divines as Meſſengers; and indeed unac-
ntable is the Averſneſs of the *French* Clergy to the
teſtant Religion, and for the Prejudice of the Pro-
rs thereof, tho Loyaliſts as they call'd them, they
ho leſs Influence over King *James*'s Council, than
Council had over the King himſelf, whom they per-
ded to any thing upon the leaſt Project of advancing
Catholick Faith.

Tho' the reformed Divines were thus treated, yet
did not diſcourage the Proteſtant Refugees to ad-
his Abdicated Majeſty, upon the Conſtitution of
mentioned Council of five, that it would be very
ducive to the maintaining of his Majeſty's Intereſt in
Britain,

1691. *Britain*, that at leaſt one of the Privy-Council ſhould be Proteſtant: And they earneſtly recommended my Lord Chief Juſtice *Herbert*, as a Perſon both qualified for and give Advice in *Engliſh* Affairs, and of great Intereſt and unſpotted Reputation in his Native Country. It ſeems his late Majeſty liked the Propoſal very well, and was ſign'd to comply with it, which the Popiſh Party were aware of, and therefore to prevent it, Mr. Comptroller *Skelton*, conjunctive with Sir *William Sharp*, trumped up an Information againſt him, accuſing my Lord, that he had ſaid, *That King* James's *violent Temper would ruin himſelf, and all that followed him.* The Chief Juſtice upon his hearing own'd the Words, but made ſuch an ingenious Explanation of his Meaning, which was in Vindication to the *Act of Settlement in* Ireland, *That King* James *was fully ſatisfied of his Integrity.* But tho my Lord came off here with flying Colours, yet ſome time after, his reſtleſs Enemies fell to plotting again, for they drew up another Accuſation againſt him, whereby he was charged, that he kept Correſpondence with the *Engliſh*, and made a miſ-repreſentation of the Tranſactions of the Court: You may be ſure there were Witneſſes enough provided before Hand to ſwear it, and that Home Work; and thereupon after a Form of Tryal, his Lordſhip was impriſoned, as alſo was about the ſame time, one Mr. *Bamfield* a Quaker, committed to the Baſtile, neither of Mr. *Cockburn*, a *Scotch* Gentleman, meet with any better Entertainment; a Man for his Services to King *James*, that had Merit and Favour enough to deſerve a Share in the Management of his Affairs, and for which Reaſon, I am induced to be a little more particular in the Narration of this Gentleman's Fate: For he having ſtuck cloſe to King *James* in all his Troubles, and followed him to *Ireland*; from thence after the Battle of the *Boyne*, he endeavoured to make his Eſcape, but was taken at Sea, and carried Priſoner to *London*; and ſome time after was exchanged for one Captain St. *Lo*, a Priſoner in *France*. After his Enlargement, and during his Abode in *England*, he ingratiated himſelf with the moſt conſiderable Jacobites, and upon his Departure for *France*, was particularly recommended to King *James* as a fit Perſon to be intruſted in the Affairs of the higheſt Truſt: And according to his Inſtructions, ſoon after his Arrival at St. *Germains*, he told King *James*

Lord *Herbert* accuſed.

Impriſoned.

s Adherents in *England* were of Opinion, that my 1691.
ord *Melford*, who was now returned from *Rome*, re
ſſo (as before ſaid) was a very unfit Perſon to have
great a Hand (or a Head if you pleaſe) in the Af-
irs of his Majeſty, and the beſt Expedient for the Pro-
rement of the good Opinion of his Majeſty's Subjects
Britain, and to reconcile them to him, was to put
e Management of his Affairs in Proteſtants Hands.
t Mr. *Cockburn* for propoſing this Advice, notwith-
nding his former Service to King *James*, was in a few
ys after againſt all Juſtice commanded by an Order
om the *French* Court to depart that Kingdom under
ere Penalties, for no other Reaſon than that he was
o much a Friend to the *Engliſh* Intereſt; and the Gen-
man with no ſmall Regret, was forced to obey the
d Order, and made the beſt of his Way for *Holland*,
ere he lived (and does ſtill, as far as I know) an
ile, having by adhering to King *James*, loſt the Pro-
ſion of *England*, and by his ſticking to the Proteſtant
eligion, the Favour of the *French* Court.

After the Submiſſion of the *Scotch Highlanders*, ſeve-
Gentlemen and Officers, who ſaw no Probability of
pporting King *James*'s Intereſt any longer in that
ngdom, retired to St. *Germains*; the chief of which,
re the Lords *Dumferling*, *Daride*, and *Dunkel*, Colo-
ls *Cannon*, *Graham*, *Buchan*, *Maxwell*, *Wauchup*; the
ee laſt Colonels being Roman Catholicks, and ſome
er Popiſh Gentlemen, were immediately advanced
y the *French* King's Orders) to conſiderable Poſts,
h in the *French* and *Iriſh* Armies: The reſt of the
ugees were but coldly entertained, tho they had
n eminently induſtrious to the Forfeiture of their
ates, and the Ruine of their Families, for the Reſto-
ion of his Majeſty. Here the Lord *Dumferling* hap-
ing to quarrel with one Captain *Brown* a Papiſt, a-
t a Trifle, loſt upon that pretended Account, tho
eed (his Religion was the real Cauſe) the Favour
that Court, while the Captain, who was equally
lty, ſoon after, was advanced to be a Commander of
Company of *Scots* reformed Officers in *Catalonia*. My
d, upon the Conſideration of this Treatment, and
Sway the *French* King, with his Popiſh Clergy, had
r King *James* (who indeed, being himſelf a Re-
ee, and Dependant upon the *French* King's Penſion,
ld not act otherwiſe) died (as was ſuppos'd) for
Grief,

1692. Grief, and ſuch irreconcilable Odium the Jeſuits at S *Germains* bore to this Lord, even now dead, that n withſtanding his Merits, and the Interceſſion of Friends, he could not obtain a Chriſtian Burial; b his Corps was hid in a Chamber, till an Opportuni was found of digging a Hole in the Fields, where th laid him in the Night. Neither was the Fate of C *Cannon* much leſs deplorable; but no more of this, will begin the enſuing Year with ſomething that is mo material.

King *James* having loſt his three Kingdoms, and Military Intereſt in each of them, as beforeſaid, t Year, thro the Aſſiſtance of his Brother the *French* Ki and the Invitation (as was thought) of ſome of the *gliſh Jacobites*, was encouraged to Reinthrone him by dint of Sword, and in Order thereunto, upon C ſideration that the Legitimacy of his Son was gener queſtioned by his late Subjects of the three Ki doms, and that King *William*'s Declaration menti ed the ſame, he thought fit to ſend the following L ter to ſundry of the Lords, and others of the Pri Council.

JAMES R.

King *James*'s Letter to the Council.

Right Truſty and Right Well-beloved Couſins and Co lors, We greet you well: Whereas our Royal Predece uſed to call ſuch of their Privy-Council as could conven ly be had, to be preſent at the Labour of their Queens, be Witneſſes to the Birth of their Children. And wh we have followed their Example at the Birth of our de Son James *Prince of* Wales; *tho even that Precaution not enough to hinder us from the malicious Aſperſions of as were reſolved to deprive us of our Royal Right.*

That we may not be wanting to our ſelves, now it pleaſed Almighty God (the Supporter of Truth) to us the Hopes of further Iſſue, our deareſt Conſort the Q being big, and drawing near her time, we have th fit to require ſuch of our Privy-Council as can poſſibly to attend us here at St. Germains, *to be Witneſſes of ou deareſt Conſort the Queen her Labour.*

We do therefore hereby ſignify our Royal Pleaſu you, that you may uſe all poſſible Means to come with convenient Haſte you can, the Queen looking about the dle of May *next,* Engliſh *Account. And that yo*

ng no Scruple on our ſide, our deareſt Brother the moſt 1622.
riſtian King, has given his Conſent to promiſe you (as we
reby do) that you ſhall have Leave to come, and (the
ueen's Labour over) to return with all Safety.

Tho the Iniquity of the Times, the Tyranny of Strangers,
d a miſled Party of our own Subjects, have brought us un-
the Neceſſity of uſing this unuſual Way. Yet we hope it
l convince the World of the Truth and Candour of our
ceedings, to the Confuſion of our Enemies; ſo not doubt-
of your Compliance herewith, we bid you heartily Fare-
.

Given at our Court at the Caſtle of St. *Germains* the 2d Day of *April*, 1692; and in the Eighth Year of our Reign.

J. R.

Advertiſement.

the impoſing a Suppoſititious Son upon the Nation, to the Prejudice of the Princeſs of O. gave the Prince her Hus- the Provocation of Invading the Dominions of his Fa- r, and the wreſting his Crown from him: The offering to at a Trick that proved ſo ſucceſsful unto him, is the hap- Advantage that can be given to W. for ſecuring him his Throne. But it will concern him to uſe better Methods the detecting this Impoſture, than any he had thought fit dvance in Proof of the former; for neither his own Cre- which he hath ſtak'd in his Declaration, nor the To- s inſiſted upon by Burnet and Wildman to diſprove the iimacy of the laſt, will paſs any longer upon the Nation, ubble them into a Belief that they are to be cheated afreſh. therefore as they at Whitehal, would not be thought to to the preſerving that by Power, which they acquired Falſhood, they are bound in Wiſdom, as well as Honour Juſtice, to gratify the Deſire of the King in the prece- Letter. Nor can they take a more compendious Way of drove back to Holland, with indelible Infamy, than to conceal the Letters addreſſed to Perſons of Honour Quality upon this Occaſion; or to refuſe them the Liber- going over with as much Safety on this, as is generouſly on that ſide.

Beſides

1692. Beſides the Letters ſent to moſt of the Priv Councellors, as aforeſaid, there were ſo Letters directed to theſe Perſons fo lowing, *viz.*

To 12 Peereſſes. Dutcheſs of *Somerſet*, Dutcheſs *Beaufort*, Marchon. of *Halifax*, Lady *Darby*, Lady *M grave*, Lady *Rutland*, Lady *Brooks*, Lady *Nottingh* Lady *Lumley*, Lady *Danby*, Lady *Freſchvile*, Lady *F harding*.

To 6 Commoners Ladies, *&c.* Sir *John Trevor* Speaker's Lady, Sir *Edward Seymour's* Lady, Sir *Chri ſtopher Muſgrave's* Lady, Sir *Thomas Pope Blunt's* La Sir *John Guiſe's* Lady, *Thomas Foley* Eſq; his La Lady *Stamp*, Lord Mayor's Lady; Lady *Aſhurſt*, dy *Levet*, the two Sheriffs Ladies, Dr. *Hugh Cham lain*.

I ſhall not comment upon this Letter, leaving i the Conſideration of the Reader, to conſtrue it as liketh. But to proceed upon the Narration of the ſigned Deſcent; the *French* having ordered about 20 Men to be Muſtered together, the greateſt Part be *French*, and the reſt *Engliſh*, *Scotch* and *Iriſh* Refug their Rendezvous was appointed to be at *Cherbourg* *La Hogue*, from whence 15000 of their Number w to make the Deſcent, and the reſt to guard the Co but before King *James* left St. *Germains* to head t Forces, he thought fit to publiſh his Declaration, wh is as followeth.

His Majeſty's moſt Gracious Declaration to his loving Subjects, commanding their A ſtance againſt the P. *of* Orange, *and Adherents.*

JAMES *R.*

King *James's* Declaration.

WHereas the moſt Chriſtian King in Purſuanc the many obliging Promiſes he has made u giving us his effectual Aſſiſtance for the Recoveri

Kingdoms, as ſoon as the Condition of his Affairs 1692.
uld permit, has put us in a Way of endeavouring it
this time, and in order to it, has lent us ſo many
oops, as may be abundantly ſufficient to untie the
nds of our Subjects, and make it ſafe for them to
urn to their Duty, and repair to our Standard; and
notwithſtanding for the preſent, according to our
ire (unleſs there ſhould appear further Neceſſity
it) purpoſely declined ſending out Forces ſo nume-
s, as might raiſe any Jealouſy in the Minds of our
d Subjects, of his intending to take the Work out
their Hands, or deprive any true *Engliſhman* of the
t he may hope to have in ſo glorious an Action, as
t of reſtoring his Lawful King, and his ancient Go-
mment (all which Foreign Troops, as ſoon as we
ll be fully ſettled in the quiet and peaceable Poſſeſſi-
of our Kingdoms, we do hereby promiſe to ſend back:
in the mean time to keep them in ſuch exact Order
Diſcipline, that none of our Subjects ſhall receive
leaſt Injury in their Perſons or Poſſeſſions by any
dier or Officer whatſoever.) Tho an Affair of this
ure ſpeaks for it ſelf, nor do we think our ſelves at
obliged to ſay any thing more upon this Occaſion,
n, that we come to aſſert our own juſt Rights, and
deliver our People from the Oppreſſion they lie un-
; yet when we conſider how miſerably many of our
jects were cheated into the late Revolution, by the
of ill Men, and particularly by the Prince of *O-*
's Declaration, which was taken upon Truſt, and
y believ'd then, but ſince appears notoriouſly Falſe
ll the Parts of it, conſiſting no leſs of Aſſertions
have been evidently diſprov'd, than of Promiſes
were intended to be performed: To prevent
Deluſions for the time to come, and to do, as
h as lies in our Power, to open the Eyes of all our
jects, we are willing to lay the whole Matter before
n, in as plain and ſhort a manner as is poſſible,
they may not pretend Miſtakes, or have Ignorance
lead for any falſe Steps they ſhall hereafter make,
rds the Ruine of their own and their Country's
ppineſs.

nd therefore, to take the Matter from the Begin-
, it cannot be forgotten, that aſſoon as we had cer-
Notice of the Prince of *Orange*'s unnatural Deſign
nvading our Kingdoms, with the whole Power of
the

1692. the *United Provinces*, we first took the best Care could to provide for our Defence; which we seem effectually to have done, when we had put our Fl and Army into such a Condition, that tho his m Christian Majesty, who well saw the Bottom of the I sign against us, against himself, and indeed against Peace of *Europe*, offer'd us considerable Succours b by Land and Sea, we did not think it at all necessary accept 'em at that time, as resolving to cast our sel wholly (next to the Divine Protection) upon Courage and Fidelity of our *English* Army, which been with so much Care and Tenderness form'd oblig'd by us. And having thus prepar'd to opp Force to Force; we did in the next Place, apply selves to give all reasonable Satisfaction to the Minds our good Subjects by endeavouring to undeceive th and to let them see betimes, and whilst the Misch might easily have been prevented, how fatal a Ru they must bring upon their Country, if they suffe themselves to be seduc'd by the vain Pretences of Prince of *Orange*'s Invasion. However, so great the Infatuation of that time, that we were not belie till it was too late. But when he was obliged to th of the Mask by Degrees, and that it began to ap plainly, that it was not the Reformation of the Gov ment (which yet was a Matter that did not at all long to him to meddle with) but the Subversion o that he aimed at, that so he might build his own amb ous Designs upon the Ruins of the *English* Nati and when the Poison had insinuated it self into the tal Parts of the Kingdom, when it had spread over whole Army, and so far got into our Court and Fam as not only to corrupt some of our Servants that neares our Person, and had been most highly obl by us, but not even to leave our own Children at time uninfected; when our Army daily deserted on one Hand, and on the other Hand, Tumults and orders increased in all Parts of the Kingdom; and pecially when shortly after, the Revolution came o fast, that we found our selves wholly in our Ene Power, being at first confin'd by them in our own lace, and afterwards rudely forc'd out of it un Guard of Foreigners, we could not then but be a nished by the Fate of some of our Predecessors i like Circumstances of the Danger we were in, and

was high time to provide for the Security of our Per- 1692.
on (which was happily effected by our getting from
e Guard that was ſet upon us at *Rocheſter*, and our
rrival in *France*, the only Part in *Europe* to which we
uld retire with Safety) that ſo we might preſerve our
ves for better times, and for a more happy Opportu-
ty; ſuch as is that which, by the Bleſſing of God, is
preſent put into our Hands.

Upon what Foundation of Juſtice or Common Senſe,
e Prince of *Orange*'s Faction in *England*, were pleas'd
treat this Eſcape of ours out of the Hands of our E-
mies, in the Stile of an *Abdication*; a Word, when
ply'd to Sovereign Princes, that was never before u-
d to ſignify any thing but a free and voluntary Re-
nation of a Crown, as in the Caſes of the Emperor
arles V. and the late Queen of *Sweden*; and what
ſtrange Superſtructure they rais'd upon this weak Foun-
tion, that a Company of Men Illegally met together,
ho had not Power, even by their own Confeſſion at
t time (for it was before they had voted themſelves
Parliament) to charge the Intereſt of the meaneſt
bject; ſhould yet take upon them to deſtroy the whole
onſtitution of the Government to make an ancient
reditary Monarchy turn elective; and then, aſſu-
ng to themſelves the Right of Election, ſhould pro-
d to ſettle the Succeſſion in ſo odd and extravagant
anner, are Tranſactions that need not be repeated,
ey are too well known to the World, to the great Re-
ach of the *Engliſh* Nation, and the Grounds upon
ich they are built, are too vain and frivolous to de-
ve a Confutation. Every Freeholder of *England* is,
this Caſe, able to make his own Obſervations, and
ll, no doubt, examine a little better than hitherto he
done, what Aſſurance any private Man can have of
eping his Eſtate, if the King himſelf ſhall hold his
own by no better Title.

But ſince ſome Men that could not ſay one Word in
fence of the Juſtice of theſe Proceedings, would
take great Pains to ſhew the Neceſſity of them, and
forth the extraordinary good Effects were to be expe-
d from ſo very bad a Cauſe; we do not doubt but
Nation has by this time caſt up the Account, and
n they ſhall have well conſidered, what Wonders
t have been performed, with leſs Expence of *En-*
Blood, than that which has been unneceſſarily

1692. trifled away in this Quarrel; that ſuch a Number of Ships of War have been loſt and deſtroyed in the three Years laſt paſt, as might alone have been ſufficient to have made a conſiderable Fleet: That more Money has been drained out of the Purſes of our Subjects in the Compaſs of that time, than during the whole Reigns of many of our Predeceſſors put together; and that not as formerly, ſpent again, and circulating amongſt themſelves, but tranſported in *Specie* into Foreign Parts, and for ever loſt to the Nation: When theſe and many other Particulars of this Nature are caſt up, it muſt certainly appear at the Foot of the Account, how much worſe the Remedy is than the fancied Diſeaſe, and that, at leaſt hitherto, the Kingdom is no great Gainer by the Change.

The next Conſideration is, what may reaſonably be expected for the time to come: And as to that, no better Judgment can be made of any future Events, than by reflecting upon what is paſt: And doubtleſs from the Obſervation of the Temper and Complexion, the Methods and the Maxims of the preſent Uſurper, from the Steps he has already taken, when it was moſt neceſſary for him to give no Diſtaſte to the People, as well as from the Nature of all Uſurpation, which can never be ſupported but by the ſame Ways of Fraud and Violence, by which it was firſt ſet up, there is all the Reaſon in the World to believe that the Beginning of this Tyranny, like the five firſt Years of *Nero*, is like to prove much the mildeſt Part of it; and all they have yet ſuffered, is but the Beginning of the Miſeries which thoſe very Men, who were the great Promoters of the Revolution, may yet live to ſee and feel, as the Effects of that Illegal and Tyrannical Government, which they themſelves firſt impos'd upon the Kingdoms.

And yet the Conſideration muſt not reſt here neither. For all wiſe Men ought, and all good Men will take Care of their Poſterity; and therefore it is to be remembred, that if it ſhould pleaſe Almighty God, in one of the ſevereſt Judgments upon this Kingdom, for the many Rebellions and Perjuries they have been guilty of, ſo far to permit the Continuance of the preſent Uſurpation, that we ſhould not be reſtor'd during our Life time, yet an indiſputable Title to the Crown will ſurvive in the Perſon of our deareſt Son the Prince of *Wales*, our preſent Heir apparent and his Iſſue, and

Defa-

Default of that, in the Iſſue of ſuch other Sons as we have great Reaſon to hope (the Queen being now with Child) we may yet leave behind us; and what the Conſequences of that is like to be, may eaſily be underſtood by all who are not Strangers to the long and Bloody Contentions between the Houſes of *York* and *Lancaſter*; and whoſoever ſhall read the Hiſtories of thoſe times, and there ſhall have preſented to him, as in one View, a Scene of all the Miſeries of an inteſtine War, the perpetual harraſſing of the poor Commons, by Plunder and Free-Quarter; the Ruine of ſo many Noble Families, by frequent Executions and Attainders; the weakning of the whole Kingdom, in general at Home, and the loſing thoſe Advantages they might in the mean time have procur'd for themſelves abroad, cannot but conclude, that theſe are the natural Effects of thoſe Strugglings and Convulſions that muſt neceſſarily happen in every State, where there is a Diſpute entail'd between an injur'd Right, and an unjuſt Poſſeſſion. 1692.

There is another Conſideration that ought to be of weight with all Chriſtians; and that is, the calamitous Condition of *Europe*, now almoſt univerſally engaged in a War amongſt themſelves at a time when there was the greateſt Hopes of Succeſs againſt the common Enemy, and the faireſt Proſpect of enlarging the Bounds of the Chriſtian Empire, that ever was in any Age ſince the declining of the *Roman*: And ſo far from a general Peace before our Reſtoration, that no rational Project of a Treaty can be form'd in Order to it; but that once done, the thing will be eaſy, and we ſhall be ready to offer our Mediation, and interpoſe all the good Offices we can with his moſt Chriſtian Majeſty for the obtaining of it.

Since therefore we come with ſo good Purpoſes, and ſo good a Cauſe, the Juſtice of which is founded upon the Laws both of God and Man, ſince the Peace of *Europe*, as well as of our own Kingdoms, the Proſperity of the preſent and future Ages is concern'd in the Succeſs of it, we hope we ſhall meet with little Oppoſition, but that all our loving Subjects, according to the Duty and the Oath of their Allegiance, and as we hereby Command and Require them to do, will join with us and aſſiſt us to the utmoſt of their Power.

1692. And we do hereby ſtrictly forewarn and prohibit any of our Subjects whatſoever, either by Collecting or Paying any of the Illegal Taxes lately impos'd upon the Nation or any Part of our Revenue, or by any other ways to abet or ſupport the preſent Uſurpation. And that we may do all that can be thought of to win over our all our Subjects to our Service; that ſo, if it be poſſible we may have none bnt the Uſurper and his Foreign Troops to deal with; and that none may be forc'd to continue in their Rebellion, by Deſpair of our Mercy for what they have already done, we do hereby Declare and Promiſe, in the Word a King, That all Perſons whatſoever, how guilty ſoever they may have been (except the Perſons following, *viz.* the Duke of *Ormond*, Marqueſs of *Wincheſter*, Earl of *Sunderland*, Earl of *Danby*, Earl of *Nottingham*, Lord *Newport*, Biſhop of St. *Aſaph*, Lord *Delamere*, Lord *Wiltſhire*, Lord *Colchester*, Lord *Cornbury*, Lord *Dunblane*, *John* Lord *Churchill*, Sir *Robert Howard*, Sir *John Worden*, Sir *Samuel Grimſton*, Sir *Stephen Fox*, Sir *George Treby*, Sir *Baſil Dixwel*, Sir *James Oxenden*, Dr. *Tillotſon* Dean of *Canterbury*, Dr. *Gilbert Burnet*, *Francis Ruſſel*, *Richard Leviſon*, *John Trenchard*, Eſquires, *Charles Duncomb*, Citizen of *London*, *Edwards*, *Napleton*, *Hunt*, Fiſherman, and all others who offered Perſonal Indignities to us at *Feverſham*; except alſo all Perſons who as Judges or Juries Men, or otherwiſe have had a Hand in the barbarous Murther of Mr. *John Aſhton*, and of Mr. *Groſs*, or any others who have been illegally Condemn'd and Executed for their Loyalty to us; and all Spies and ſuch have betray'd our Councils during our late Abſence from *England*) that by an early return to their Duties, and by any ſignal Mark of it, as by Seizing to our Uſe, Delivering into our Hands any of our Forts, or bringing over to us any Ships of War, or Troops in the Uſurper's Army, or any new Rais'd and Arm'd, themſelves or by any other eminent good Service, according to their ſeveral Opportunities and Capacities ſhall manifeſt the Sincerity of their Repentance, ſhall not only have their reſpective Pardons immediately under the Great Seal of *England*, but ſhall otherwiſe conſider'd and rewarded by us, as the Merit of the ſhall require. And for all others who after the time our Landing ſhall not appear in Arms againſt us, nor any Act or Thing in Oppoſition to our Reſtoration,

Per

Perſons before-mentioned only excepted, we ſhall pro- 1692.
vide in our firſt Parliament (which we intend to call with all convenient Speed) by a General Act of Indemnity; that ſo the Minds of all our Subjects may be as quiet, and as much at Eaſe, as their Perſons and Properties will be ſecure and inviolable under our Government.

Provided always, that all Magiſtrates who expect any Benefit of our gracious Pardon, ſhall immediately after Notice of our Landing, make ſome publick Manifeſtation of their Allegiance to us, and of their Submiſſion to our Authority; and alſo publiſh and cauſe to be proclaim'd this our Declaration, as ſoon as it ſhall come to their Hands: And likewiſe that all Keepers of Priſons immediately ſet at Liberty, all Perſons committed to their Cuſtody, upon the Account of their Allegiance and Affection to us, or be excluded from any Benefit of our Pardon.

And we do hereby further Declare, That all Officers and Soldiers by Sea or Land, now engag'd in the Uſurper's Service, who ſhall after Notice of our Landing, at any time before they engage in any Fight or Battle againſt our Forces, quit the ſaid illegal Service, and return to their Duty, ſhall not only have their reſpective Pardons, but ſhall likewiſe be fully ſatisfied and paid, all the Arrears due to them from the Uſurper; and that even the Foreigners themſelves, who have been as well in Troops as ſingle Perſons drawn into this Kingdom, in Order to aſſiſt them as there ſhould be Occaſion, for the oppoſing our Return, and continuing our People in the Oppreſſion they lie under, may not be altogether driven to Deſpair, we do promiſe, That all ſuch of them as ſhall, as aforeſaid, before they engage againſt any of our Forces, lay down their Arms and claim the Benefit of our preſent Declaration, ſhall have their Arrears ſatisfied, and Care ſhall be taken for their Tranſportation to their reſpective Countries, or elſewhere, as they ſhall reaſonably deſire.

And we do hereby further Declare and Promiſe, that we will Protect and Maintain the Church of *England*, as it is now by Law Eſtabliſhed, in all their Rights, Privileges, and Poſſeſſions; and that upon Vacancies of Biſhopricks and other Dignities and Benefices within our Diſpoſal, Care ſhall be taken to have them fill'd with the moſt worthy of their own Communion,

1662. And whereas more Tumults and Rebellions have been raiſed in all Nations upon the Account of Religion than on all other Pretences put together; and more in *England* than in all the reſt of the World beſides; that therefore Men of all Opinions in Matter of Religion may be reconcil'd to the Government, that they may no longer look upon it as their Enemy, but may therefore think themſelves equally concern'd in the Preſervation of it with the reſt of their Fellow Subjects, becauſe they are equally well treated by it, and being convinced in our Judgment that Liberty of Conſcience is moſt agreeable to the Laws and Spirit of the Chriſtian Religion and moſt conducing to the Wealth and Proſperity of our Kingdoms, by encouraging Men of all Countries and Perſuaſions, to come and Trade with us, and ſettle amongſt us: For theſe Reaſons, we are reſolved moſt earneſtly to recommend to our Parliament the ſettling Liberty of Conſcience in ſo beneficial a manner, that it may remain a laſting Bleſſing to this Kingdom.

Laſtly, It ſhall be our great Care, by the Advice and Aſſiſtance of our Parliament, to repair the Breaches and heal the Wounds of the late Diſtractions, to reſtore Trade, by putting the Act of Navigation in effectual Execution, which has been ſo much violated of late, in Favour of Strangers; to put our Navy and Stores into as good a Condition as we left them, to find the beſt Ways of bringing back Wealth and Bullion into the Kingdom, which of late has been ſo much exhauſted, and generally we ſhall delight to ſpend the remainder of our Reign (as we have always deſign'd ſince our firſt coming to the Crown) in ſtudying to do every thing that may contribute to the Re-eſtabliſhment of the Greatneſs of the *Engliſh* Monarchy upon its true Foundation, the united Intereſt and Affection of the People.

Thus having endeavour'd to anſwer all Objections and give all the Satisfaction we can think of, to all Parties and Degrees of Men: We cannot want our ſelves the Satisfaction of having done all that can be done on our Part, whatever the Event ſhall be, the Diſpoſal of which we commit, with great Reſignation and Dependance, to that God who judges Right: And on the other ſide, if any of our Subjects ſhall after all this, remain ſo obſtinate as to appear in Arms againſt us, as they muſt needs fall unpitied under the Severity of our

fice, after having refuſed ſuch Gracious Offers of Mer- 1692.
y; ſo they muſt be anſwerable to Almighty God, for
ll the Blood that ſhall be ſpilt, and all the Miſeries and
Confuſion in which theſe Kingdoms may happen to be
nvolved, by their deſperate and unreaſonable Oppoſi-
ion.

Given at our Court at St. Germains, *this preſent Year, 20th of* April, 1692. *in the Eighth Year of our Reign.*

Per Ipſum Regem Manu propria.

God ſave the KING.

Immediately after the Date of this Declaration, King *ames* having firſt Knighted his Son, and Inveſted him ith the Order of the Garter, departed from his Court St. *Germains*, and on the 24th of *April*, arrived at en in *Normandy*, where he ſtayed ſome Days, and om thence, accompanied with the Mareſchal *d'Belljonds*, eparted to *Haver de grace*; on the 29th the Duke of *erwick*, the Colonels *Graham*, *Buchan*, *Canon*, and me other *Scots* Officers and Gentlemen, came to the amp, and the next Day the Soldiers began to Embark, t the Veſſels that croſſed from *Haver de grace* to *La ogue*, being by foul Weather driven to ſhore, and da-ged very much; and at the ſame time Monſieur *d' E-e* and his Squadron failing to join them, as it had en ordered before, they did not ſet ſail, but for the eſent were forced to wait the Event of Monſieur *Tour-le's* Attempt upon the *Engliſh* Fleet: The *French* were moſt cock-ſure of a Victory, partly from the Depen-nce they had (as it was given out) on Rear-Admiral *ter* to join with them, and deſert the *Engliſh*, and tly from the Advice they had, that the *Engliſh* great ips could not get out to Sea in a conſiderable time.

K. *James* deſigns to invade *England.*

The News of this intended Invaſion no ſooner reach-the Ears of the late Queen (for King *William* was n Heading the Confederate Army in *Flanders*) but ſent Orders to all the Ports to haſten out the Fleet, that all the Militia ſhould be in a Readineſs; and the ſame time 6 Companies of Regular Troops de-n'd for *Flanders*, were countermanded, and Rein-

1692. forcements ſent to the Iſles of *Jerſey* and *Guernſey*, t
oppoſe King *James*'s Landing. But on the 19th of *M*
the *Engliſh* Fleet, under the Command of Admiral *R*
ſel (now Earl of *Orford*) engaged the *French* Fle
under Admiral *Tourville*, who about Eleven of the Clo
bore down of the *Engliſh*, and then the Engageme
began, and continued with great Fury on both ſides t
Three in the Afternoon, at what time the *French* rec
led, and a Calm happening till Six, the *Engliſh* cou
not come up to them, but ſoon after a freſh Gale ſprin
ing up, the Blue Squadron renewed the Fight, whi
continued ti'l Ten at Night, at what time the Firi
ceaſed on both ſides; the next Morning proved very fo
gy, ſo that nothing was done till about Eight of t
Clock it cleared up, ſo that the *French* Fleet were d
covered about 2 Leagues diſtant from the *Engliſh*, w
made up to them with as quick Sailing as they cou
and purſued the flying *French* on their own Coa
where Vice-Admiral *Delaval*, Burnt the *Riſing Sun* (
Flower of the *French* King's Fleet) wherein Admi
Tourville was Embark'd, alſo the *Admirable*, and the
querant ran the ſame Fate. In the mean while Admi
Ruſſel continuing in his Purſuit, came before *La Ho*
into which many *French* Men of War were gotten; t
Vice-Admiral *Rook* was ſent in with the Boats, and th
he ſet on Flames 6 of their Number, as alſo the
Morning 7 more were burnt, with divers Tranſport S
and Ammunition Veſſels: And this was done in
ſight of the unhappy K. *James*, at the Head of the af
ſaid Forces that were to make the deſigned Deſcent;
it was no ſmall Mortification to him, to find the W
of averſe Fortune blow ſo violently upon him, as app
from his following melancholy Letter to the *French*
upon this Occaſion.

Monſieur, my Brother,

K. *James*'s Letter to the *French* King.

'I Have hitherto with ſomething of Conſtancy and
'ſolution, ſupported the Weight of all the Mis
'tunes which it has pleaſed Heaven to lay upon me
'long as my ſelf was the only Sufferer; but I muſt
'knowledge, this laſt Diſaſter utterly overwhelms
'and I am altogether Comfortleſs, in Reference to
'concerns your Majeſty, through the great Loſs that
'befallen your Fleets. I know too well, that my
'lucky Star it is, that has drawn down this Misfor
'u

upon your Forces, always Victorious, but when they fought for my Intereſts. And this is that which plainly tells me, that I no longer merit the Support of ſo great a Monarch, and who is always ſure to vanquiſh when he fights for himſelf. For which Reaſon it is, that I requeſt your Majeſty, no longer to concern your ſelf for a Prince ſo unfortunate as my ſelf, but permit me to retire with my Family to ſome Corner of the World, where I may ceaſe to obſtruct the uſual Courſe of your Proſperities and Conqueſts, which only my Misfortune could interrupt. It is not juſt, that the Potenteſt Monarch in the World, and the moſt flouriſhing above all others, ſhould ſhare in my Diſgrace, becauſe you are too Generous: 'Tis better much, that I ſhall only retire, till it ſhall Pleaſe Omnipotent Providence to be more propitious to my Affairs. But howſoever it pleaſes over-ruling Heaven to diſpoſe of me and mine, or into whatſoever Receſs I may be thrown, I can aſſure your Majeſty, That I ſhall always preſerve, to the laſt Gaſp of my expiring Breath, that due Acknowledgment which I ſtill retain, of your Favours and conſtant Friendſhip. Nor can any thing more contribute to my Conſolation, than to hear, as I hope to do, when I have wholly quitted your Dominions, of the quick Return of all your wonted Triumphs both by Sea and Land, over your Enemies and mine, when my Intereſt ſhall be no longer intermixed with yours. 1692.

I am.

Monſieur,

my Brother,

Your's, &c.

JAMES *Rex.*

Here you may ſee the Uncertainty of Human Affairs, and that Kings as well as inferiour Perſons, are ſubject to the Determination of Providence; but the *French* King being at that time elevated at his great Succeſs in taking of the Town and Caſtle of *Namur*, both which he became Maſter of in the ſpace of Thirty Days, he writ a Conſolatory Anſwer to the late King *James*'s Letter, promiſing, notwithſtanding his unfortunate Diſappointment in his Intentions upon *England*, to ſtand by him and continue his Brotherly Protection to him in the worſt of his Extremities.

We

1693. We meet with very little Remarkable concerning th Prince for the Remainder of his Life; however he w not ſtill without Hopes, and ſome Incouragements to Reſtored; and things now looking every where with favourable Aſpect upon the *French* by Land, he thoug it a proper time to iſſue out this following Declarati to his *quondam* Subjects.

JAMES R.

Another Declaration of K. *James.*

WHereas we are moſt ſenſible that nothing has contribu ſo much to our Misfortunes, and our Peoples Miſeri as the falſe and malicious Calumnies of our Enemi therefore we have always been, and ſtill are, moſt willing condeſcend to ſuch things as, after mature Deliberation, have thought moſt proper for removing thereof, and moſt li ly to give the fulleſt Satisfaction and cleareſt Proſpect of greateſt Security to all Ranks and Degrees of our People. A becauſe we deſire rather to be beholding to our Subjects Love us, than to any other expedient whatever, for our Reſtorati we have thought fit to let them know beforehand, our Ro and ſincere Intentions; and that whenever our Peoples uni Deſires, and our Circumſtances give us the Opportunity come and aſſert our Right, we will come with the Declarati that follows.

JAMES

JAMES R.

'WHen we reflect upon the Calamities of our Kin doms, we are not willing to leave any thi 'unattempted, whereby we may reconcile our Subjec 'to their Duty; and tho we cannot enter into all t 'Particulars of Grace and Goodneſs, which we ſha 'be willing to grant, yet we do hereby aſſure all o 'loving Subjects, that they may depend upon eve 'thing that their own Repreſentatives ſhall offer, 'make our Kingdoms happy. For we have ſet it befo 'our Eyes, as our nobleſt Aim, to do yet more for the 'Conſtitution, than the moſt Renowned of our Ance 'tors: And, as our chiefeſt Intereſt, to leave no Un 'brage for Jealouſie, in relation to Religion, Liber 'and Property.

'And to encourage all our loving Subjects, of wh 'Degree or Quality ſoever, to ſet their Hearts an

'Hand

Hands to the encouraging ſo good a Work, and to u- 1693.
nite themſelves in this only Means of Eſtabliſhing the future Peace and Proſperity of theſe Kingdoms, we have thought fit to Publiſh and Declare, That on our Part we are ready and willing wholly to lay aſide all Thoughts of Animoſity or Reſentment for what is paſt, deſiring nothing more than that it ſhould be buried in perpetual Oblivion; And do therefore by this our Declaration under our Great Seal, ſolemnly Promiſe our Free Pardon and Indemnity to all our loving Subjects, of what Degree or Quality ſoever, who ſhall not by Sea or Land oppoſe us, and thoſe we ſhall think neceſſary to accompany our own Perſon in this juſt Attempt, to recover our Right; or (in ſuch a Number of Days after our Landing, as we ſhall hereafter expreſs) ſhall not reſiſt thoſe, who in any Parts of our Dominions ſhall according to their Duty, aſſert and maintain the Juſtice of our Cauſe: Beſeeching God to incline the Hearts of our People, that all Effuſion of Blood may be prevented, and Righteouſneſs and Mercy take Place. And for that end we further Promiſe to all ſuch as ſhall come to and aſſiſt us, that we will reward them according to their reſpective Degrees and Merits.

'We do further declare, that we will with all ſpeed call together the Repreſentative Body of our Kingdom; and therein will inform our ſelves what are the united Intereſts and Inclinations of our People; and with their Concurrence will be ready to redreſs all their Grievances, and give all thoſe Securities of which they ſhall ſtand in need.

'We likewiſe declare upon our Royal Word, That we will Protect and defend the Church of *England*, as it is now Eſtabliſhed by Law; and ſecure to the Members of it, all the Churches, Univerſities, Colleges and Schools, together with their Immunities, Rights and Privileges.

'We alſo declare, we will with all Earneſtneſs, recommend to that Parliament ſuch an impartial *Liberty of Conſcience*, as they ſhall think neceſſary for the Happineſs of theſe Nations.

'We further declare, we will not diſpenſe with, or violate the Teſt. And, as for the diſpenſing Power in other Matters, we leave it to be explained and limited by that Parliament.

'We

1693. 'We declare also, that we will give our Royal Assent
'to all such Bills as are necessary to secure the freque
'calling and holding of Parliaments; the free Electio
'and fair Returns of Members; and provide for impa
'tial Trials; and we will ratify and confirm all su
'Laws, made under the present Usurpation, as shall
'tendered to us by that Parliament.

'And in that Parliament we will also consent to eve
'thing they shall think necessary, to re-establish the la
'Act of Settlement in *Ireland*, made in the Reign of o
'dearest Brother; and will advise with them, how
'recompence such of that Nation as have followed
'to the last, and who may suffer by the said Re-est
'blishment, according to the Degree of their Sufferin
'thereby; yet so as that the said Act of Settlement m
'always remain entire.

'And if Chimney-Money, or any other Part of t
'Revenue of the Crown, has been burthensom to o
'Subjects, we shall be ready to exchange it, for any
'ther Assessment that shall be thought more easie.

'Thus we have sincerely declared our Royal Inten
'ons, in terms we think necessary, for settling our Subje
'Minds; and according to the Advice and Intimatio
'we have received from great Numbers of our lovi
'Subjects, of all Ranks and Degrees, who have adjust
'the manner of our coming to regain our own Rig
'and to relieve our People from Oppression and Slave

'After this, we suppose it will not be necessary to en
'merate the Tyrannical Violations and Burthens, wi
'which our Kingdoms have been oppressed, and are no
'like to be destroyed.

'And whereas our Enemies endeavour to affright o
'Subjects, with the Apprehensions of great Sums whi
'must be repaid to *France*; we positively assure the
'That our Dearest Brother the *most Christian King*,
'pects no other Compensation for what he has done
us, than meerly the Glory of having Succour'd an i
'jur'd Prince.

'We only add, That we come to vindicate our o
'Right, and to establish the liberties of our People. A
'may God give us Success in the Prosecution of the o
'as we sincerely intend the Confirmation of the oth

JAMES.

Given at St. Germains en Laie, *April 17th*, 169
S. N. *and in the Ninth Year of our Reign.*

God save the KING.

The Event has ſince diſcover'd the People had but 1693.
le Regard to this Declaration, and ſo the time ſpan
till the latter end of the Year 1694, when his eldeſt
ughter *Mary*, Queen of *England*, happning to de-
t this tranſitory Life, it began to revive the drooping
irits of the Court of St. *Germains*, and they bethought
concerting new Meaſures in this Conjuncture, as be-
ving they were one good ſtep nearer towards the Re-
ration of their old Maſter; but quite contrary to Ex-
ſtation, the People and Parliament's Affections ſeem-
now to be wholly fixed upon King *William*; whereas
y were before, as I may ſay, divided between him
d his Royal Conſort; and for the better ſecuring of
s intereſt, they augmented their Forces conſiderably
Land, and their Allies having done the ſame in Pro-
rtion, they began now to out-number the Troops of
nce, and the Ballance of Power inclin'd the following
mpaign to their ſide, by their taking of *Huy*, but much
re the ſucceeding Year, when they took *Caſal* in *Ita-*
, and the almoſt impregnable Fortreſs of *Namur* in the
therlands, from the *French*. However the State of
r Coyn being grown exceedingly bad by this time,
d the Nation lying under an abſolute Neceſſity of
emedying of it, or being totally Ruined, the King
d Parliament would put it off no longer; and there-
re having gone roundly to Work, about the latter
nd of the Preceding Year, King *James* thought it
w the moſt proper time in the World to attempt his 1695.
eturn.

I will not enter here into the Particulars of the Plot
ntrived to Aſſaſſinate King *William*'s Perſon; but 'tis
fficient for us to obſerve, That the *Freneh* King being
f the ſame Opinion with King *James* about this Con- 1696.
ncture, early in the Spring, order'd ſeveral of his Troops
o file off towards the Sea-Coaſt of *Dunkirk* and *Calais*,
nd having got ſome Men of War, and divers Tranſport
hips together, in Order to convoy and waft them over:
ing *James* himſelf on the 11th of *February*, took Poſt
t *Calais*, and immediately upon his Arrival, the Troops,
rtillery, and Stores, were ordered to be put on Board
ith the utmoſt Diligence, while News was impatient-
y expected from *England* to ſet ſail. I know it was
onfidently Reported at this time, *That before King* James
ame to Calais, *he ſigned an Accompt of all the Money he*
wed the French *King, by Reaſon of the Charge he had*
been

1696. *been at from time to time, for the Support of him since his Abdication, and promiſed ſpeedy Repayment.* But this ha to be ſo indiſcreet an Action at ſuch a time, that neit of them could be guilty of it; however they appea in *France* ſo cock-ſure of the Succeſs of the Enterpr that the Duke of *Orleans* in Conſideration of his n Alliance with the Duke of *Savoy*, and with an affu Proſpect of the Overthrow of moſt of the Confederat ſollicited that Prince, in a very preſſing Manner, make his Peace betimes. But the Plot in the mean ti having been diſcover'd in *England*, and the *Dutch* a Elector of *Bavaria* taking alſo the Alarm in the *Neth lands*, this Deſign was ſo totally defeated, that not a S with any of the Forces put to Sea, in order to Land *England*; and no doubt but it muſt be a great Mortifi tion at St. *Germains*, that not only the Deſign miſcari but ſo many of their Friends in *England* ſuffered for ing Privy and Aſſiſtant to it.

It's well known, that as this Year produced a ſepar Peace between *France* and the Duke of *Savoy*, that next brought forth a general one between him and Confederates. The Place appointed for the Treaty 1697. *Ryſwick* in *Holland*, a Place belonging to the Pri of *Orange*, and King of *England*. I cannot but t Notice how ſtrangely uppiſh ſome of King *Jam* Friends were, during the time of the Treaty, as ſince ly believing, that tho the Peace was Treated of in K *William*'s own Houſe, yet that certainly he muſt be cluded out of it. However King *James* had other S timents of the Matter, and finding he could not h a Miniſter received from him at the Treaty, and t the *French* Plenipotentiaries would not meddle with Manifeſto, he publiſhed the ſame to the World, impo ing *the Injuſtice done to him, and Proteſting againſt w was done, as null, in Reſpect to the Violation of his Rig* But, alas, this was but Powder without Ball, and no Effects at all for retarding; the Concluſion of Peace, which was ſigned on the 20th of *Sept.* betwe *England*, *France*, and *Holland*, and ſoon after by the of the Confederates.

I do not find there was any Manner of Proviſ made for the Maintenance of King *James* and his Fa ly by this Peace; it was reported then, as if my L *Portland* and the Mareſchal *de Boufflers*, had concer that Matter, and agreed the Queen ſhould have her Do

paid her by *England*, in such a Manner as if her Hus- 1698.
band was really dead; but that afterwards she would accept of it. But be this as it will, the *English* Parliament considering there would be now by the Peace free Intercourse between *England* and *France*, they ena-bled, *there should be no Correspondence held with King* James *nor his Adherents, upon any Account whatsoever*: and I cannot see that either of the Treaties of Partition made this Year, and the succeeding one, any Ways tended to the Reinthroning of this Prince, but quite the contrary, for the Preservation of the Peace of *Eu-rope*, and better Union and Understanding between King *William* and *Lewis* the XIV, tho the latter has since made quite another use of them, upon the Death of *Charles* II. King of *Spain*, by placing his Grandson the Duke of *Anjou* upon that Throne; which gave some Revivings to the drooping Spirits of the Court of St. *Germains*: I am apt to believe, King *James* himself had now little or no Thoughts left about his Restoration: However those about him began to lay their Scheams and Affairs themselves, and more particularly my Lord *Melfort*, who writ the following Letter to the Earl of *Perth* his Brother upon that Occasion.

The Earl of Melfort's *Letter to the Earl of* Perth.

1701.

My Dearest Brother,

Since I promised to put in writing what we had not time to talk fully of, I am sat down to it in the Morning, that my Letter may be ready for the Messenger, if any call. I told all that I had heard at *Versailles*, and the favourable Audience I had of Madam *de Maintenon*, for which I beg it of you to return my most humble Thanks to the Queen, and beg her to be so good as to thank Madam *Maintenon*, and know of her what was done in that Matter: It will be a great Charity in the Queen. I told you, among other things, the great Fleet the King intends to put out this Summer, the Order being given, and the Money ready, the Stores full, and every one concerned active in their Stations. There is no doubt but this Fleet will be Master of the Sea for some time, if not for all the Summer, because the *Dutch* dare not stir till the *English*

Earl of *Melfort's* Letter.

1701. 'gliſh be ready, and they have long Debates yet, befo
'they can be in a Condition to act, if they have t
'Will; and it is a Queſtion if they will have it at a
'The King never had ſo favourable a Conjuncture,
'he can perſwade this King, that his Affairs are rea
'in the Circumſtances they are in; but there is t
'Difficulty. The King and Queen have more Auth
'rity with the King, and with Madam *de Mainten*
'than any other in the World can have: But that
'not all, there ſhould be ſome one acceptable to t
'Miniſters, ſhould lay before them thoſe Proofs the
'Majeſties cannot enter into the Detail of, and expla
'the Reaſons, make Plans and Memoirs by their M
'jeſties Approbation, to convince them of the Neceſ
'ty, and to ſhew the Eaſineſs of Reſtoring the Kin
'the Glory it brings their Kingdom, and the Advanta
'to Religion. How this will be done, their Maj
'ſties are wiſe enough to conſider, and, I think, it
'not a Subject for me to enter upon; but their Frien
'in general, who know not the Half of what I kno
'in this Matter, think that it will not be well done
'a Proteſtant Miniſter, lazy in his Temper, Enemy
'*France* by his Inclination, tainted with Commonweal
'Principles, and againſt the King's Returning by a
'other Power than that of the People of *England*, upo
'Capitulation and Terms, who is ſuſpected of givi
'Aim to the Compounders, if not worſe: That M
'*Carrell* is qualified no Man doubts, but in Society wi
'the other; thoſe who muſt be inſtrumental will n
'truſt him as he ought. So that ſo long as the other
'within Diſtance of penetrating the Affairs, they w
'never think themſelves ſecure: And yet the King h
'no ſuch Game to play as by theſe very Perſons, wh
'are thus diffident, namely, the true Church of *Engla*
'Party, the *Catholicks*, and the Earl of *Arran*; and
'ſhall ſay ſomething as to every one of them: The Ki
'cannot but be ſenſible, that the true Church of *E*
'*gland* Party, and their Principal Head, now the Biſh
'of *Norwich*, has been ſilent for a long time, and the
'Majeſties may remember what Weight the Court
'*France* laid upon their joining the King (I me
'the Non-ſwearing Clergy) in Caſe of a Landi
'Therefore all Arts ſhould be tried without Delay, to g
'them to enter into Correſpondence again, and eve
'Impediment ought to be removed, I ſay, without E

'ceptio

ception; and tho ſometimes it is of hard Digeſtion 1701.
for Sovereigns, who ought to be obeyed without Re-
ſerve, to yield to the Humours of Subjects, yet Pru-
dence ſhould teach them, when they cannot, without
hurting their Affairs, do what they would, to do what
they can, and remember the Fable of the Dog, *who
loſt the Subſtance by the Shadow.* Aſſurances from the
Non-Swearers, the ſoundeſt and moſt venerable Part of
the *Engliſh* Church, would be of great uſe at this
time, to perſuade *France* to undertake this great Affair;
for, beſides their own Example at a Landing, and their
Preaching and Writing to the People, that *their Reli-
gion was in no Danger*; it is moſt certain they know
better than any others can do, what the Church of
England in general, would do for the King's Service;
and they being to run all the Hazard, would be better
believed at the Court of *France*, than any other, as I
found by Experience. As to the Catholicks, and o-
thers Aſſociates with them, unfortunately for the King,
they were thought to have too much Inclination for
him, and ſo have been reckoned as uſeleſs to the King;
but I muſt beg Leave to ſay, *That Undertaking was the
beſt Feather in his Wing*, and was moſt juſtly thought ſo
by him, and by the Court of *France* too, even to that
Degree, that they pretended, if this and the other
Article concerning the Clergy could be made appear,
they would concur with the King to Invade *England.*
They conſiſted of Seven Regiments of Horſe and Dra-
goons, their Arms, Trumpets, Kettle-Drums, Stand-
ards, *&c.* were all ready, and are yet in Surety, their
Men were all Liſted, and their Officers choſen, and
they had twenty Horſes to a Troop, which Troops ly-
ing at a Diſtance in a Horſe Country, twenty Horſes
would ſoon have mounted the reſt. Thoſe who could
not divine the Greatneſs and the Uſe of the Underta-
king, blamed the Raſhneſs of it, and even ſome
Church-men have not been diſapproven for endeavou-
ring undutifully (becauſe contrary to the King's writ-
ten Orders) to break the Deſign: But, I deſire you
now, for all this, to believe, that you have not ſuch
another Argument to uſe to the Court of *France* as
this; and if you could make it appear, as it might
have been done ſome Years ago, I ſhould have very
good Hopes of this Summer's Work. Nay, let the
King have what other Hopes, or even Promiſes you

1701. 'pleaſe from the Court of *France*, this is to be put
'the Circumſtances it was in; for, if ever there b
'Landing in *England* to purpoſe, it muſt be before t
'can be Armed, and they cannot be Armed before
'Parliament come to a Reſolution concerning the W
'and conſidering the few Troops in *England*, ſupp
'theſe Men to be no better than Militia, what a Di
'ſion would it be. it is not neceſſary for me to ſay
'more of this Article, till I know whether their M
'ſties have as good an Opinion of this Undertakin
'I have; if ſo, I ſhall ſhew what I think to be don
'it; if otherwiſe, I ſhall ſave the Pains. As to
'Earl of *Arran*, it would be of great uſe to have
'Underſtanding with him. He will ſave none wh
'----- can pry; his all is at Stake, and he ought to
'wary with whom he ventures to deal. I think it
'ter for the King's Service, that the Court Party
'vailed in the Manner they have done in the Parlia
'in *Scotland*, than that the Country Party ſhould h
'got their Will. Oppoſition ſwells the Waters
'Flood, and ſo long as the Country Party is not diſ
'raged, they gain more Ground in the Kingdom
'they loſe in the Government. So that the Diſaffe
'to the Government will increaſe, and one may ju
'of the Nation in general, which is of another T
'per than this pretended Parliament, or rather Pre
'terian Rabble, ill repreſenting the Nation. For
'even in it there is ſuch a Struggle againſt the Gov
'ment, what would there be in a Free Parliam
'which the P. of *O.* durſt never to call. The Na
'then, at leaſt a great Part of it, being diſaffecte
'this Government, it is of the laſt Conſequence
'the Earl of *Arran* may know what to do in Caſ
'an Invaſion of *England*, or in Caſe he and his Fri
'be obliged for Self-Preſervation, to riſe in their
'Defence. The Army, who are, and ever were
'Affected, are to be gained by Money, and a little
'a great Way with them. The Diſbanded Tr
'would be engaged, and the Officers are well incl
'The Places of Strength would be ſecured, and ſuc
'can be put in Defence (without Expences) For
'To do all this, at leaſt ſuch a Part of 'em as ca
'begun with, a ſmall Sum will ſerve, and he
'to have Hopes of it, and of the Command.
'Being only Heads to be diſcourſed of, and much

id of every Part, it is not to be thought, that this 1701.
etter can carry a final Concluſion; for it may be up-
n Diſcourſe, I might change my Mind, or be more
nfirmed in it, and ſee further. This makes me in-
ſt again to you, upon two Things, appearing to me
ſolutely neceſſary to put Things upon a right Foot.
he firſt is, the removing of all Impediments out of
e Way, and ſending all ſuſpected Perſons to *Cham-*
gne or *Burgundy*, according to their Gouſt. And
e ſecond is of the laſt Uſe, both to their Majeſties
d the Prince, which is, the Eſtabliſhing of ſuch a
umber, under no Qualification, to talk of their Af-
irs in their Majeſties Preſence, with whom we can
ely converſe, and propoſe what may be for their
ajeſties Service. As for the firſt, it will be for the
ing's Reputation, both at the Courts of *Rome*, *France*,
d with all his true Friends in *England*, for many
eaſons ----- As for the ſecond, it is according to
ripture, *In the Multitude of Councellors there is Safety.*
othing is ſo dangerous as to determine what one will
, and then hear Reaſons againſt it, and imitate the
af Adder, who *hearkens not to the Voice of the Charmer,*
him charm never ſo ſweetly. Reaſons againſt a Reſo-
ion taken, offend, and the more Force they have,
ey offend the more; whilſt, before the Reſolution
e taken, Reaſon has its Effect, and the Determinati-
s are not the Effects of Humour and Faction, but
Prudence and Juſtice. If in any thing I fail, I'll
ear its Want of Underſtanding, and not of Will.
nd I beg that their Majeſties may be perſuaded, that
is not Humour or Vanity, but their Service I have
my View, who am,

My Deareſt Brother,
moſt humbly Yours,

This Letter was communicated by King *William* to
Parliament; but I do not find they took much No-
e of it, neither indeed did the Conſequence of it ſig-
y any thing to his Prejudice, or the Advantage of
g *James*, who now is haſting apace towards the laſt
e of his Life; a more particular Relation of which
n meet with no where, than in a Letter ſaid to be
from an *Engliſh* Gentleman in *France*, to his Friend
London, importing, That

1701. K. *James's* Sickneſs and Death.

On *Fryday* the ſecond of *September*, the King bei
at Chappel on his Knees, fainted away; which ſome
his Servants perceiving, ſupported him from fallin
put him into his Chair, and carried him to his Lod
ings; where, after an Hours time, he came pretty w
to himſelf again, eat heartily, continued ſo, ſleepi
and dozing, till *Sunday* (by Intervals ſpeaking to th
about him) when, about half an Hour paſt Two
the Afternoon, on a ſuddain he was taken ſo ill, that
could not ſpeak, by Reaſon of an Impoſthumati
breaking within him, and Nature endeavouring to d
charge it, he was almoſt ſuffocated. This occaſio
the Report, that he was dead, which preſently flew
Paris, and conſequently all over *Europe*: But by Ble
ing, and other proper Remedies, a conſiderable Qu
tity of that corrupt Matter paſs'd both Ways, *Sun*
Monday, and *Tueſday*, but none on *Wedneſday*, or *Th*
day. He ſlept well that Night; on *Fryday* was be
only he had an Intermitting Fever, which left him
Night: He continued ſo till about Eleven a Clock
day Night, when the Phyſitians obſerv'd a Letharg
him; and fearing he might die in that Condition,
applied the Bliſtering Plaiſter betwixt his Shoul
with good Effect: Yet a Diſpoſition to Doze and S
continuing in him, they apply'd thoſe Plaſters to
Ancles, afterwards to his Head, but without Succe

In this Condition he continued till *Monday* Ni
when every Body thought he was departing; but
Phyſicians giving him ſomewhat inwardly, he preſe
began to diſcharge both Ways, then reſted till near
the next Morning: Awaking, he ſpoke to the C
of the Pariſh (who watch'd by him) to give
the Sacrament; which he accordingly did: At w
time he forgave ſeveral Perſons by Name, all his
mies, and every one that had wronged him, praye
ther *Saunders*, and all the reſt about him, to decla
to the World; call'd for all his Servants and exh
them to be conſtant in their Religion, and that no H
of Crowns or Scepters ſhould make them do a
unworthy their Birth, and above all, to be obedie
the Queen, gave them his Bleſſing, deſired that a
Servants might continue on the ſame Foot they
were, and that all his Subjects would acknow
his Son for their Lawful King and Sovereign. So
that time, the Phyſicians reſolved to Apply n

Remedies, but leave him to the Will of Almighty 1701.

The King of *France* came to ſee him, but he was ſenſleſs: Whereupon he went to comfort the Queen, and ſent for the pretended Prince of *Wales*, and told him, Maugre all the Difficulties he had met within his own Council, yet having the unanimous Conſent of the Dauphin, and all the reſt of the Princes of the Blood, he reſolved to acknowledge and declare him his Majeſty's lawful Heir and Succeſſor to the Imperial Crown of *England*, &c. And that he ſhould be ſo acknowledg'd by *France*, *Spain*, and *Portugal*; and he would by his Ambaſſadors proclaim him as ſuch, in all the Courts of *Europe*. After ſome time, the King came to himſelf again, and being told of this Declaration, ſent for the pretended Prince next Day, told him he had not ſeen him ſince the King of *France* had been there, charged him, during his Minority, exactly to obſerve the King of *France*'s Counſel and Direction in all things; and that he had ſent my Lord *Middleton* to *Marly*, to give the King of *France* Thanks for the ſame.

The King of *France* hearing the King was ſomewhat better, came to St. *Germains* to ſee him, and when he had entred the Lodgings, ſaid, he was not only come to viſit the King, but alſo on an Affair of great Weight. Whereupon all Perſons were withdrawing; but he called them all again, cauſed all the Doors to be opened, that every Body might enter that belonged to the King: And then commanded, That as ſoon as the King ſhould be dead, the pretended Prince of *Wales* ſhould be proclaimed King of *Great Britain*, with all his Ordinary Titles; declaring that he would alſo cauſe the ſame to be done at *Verſailles*, and (by his Ambaſſadors) in all the Courts of *Europe*: That his Body ſhould be removed from the Queen's Apartment to his own; and gave Order to the Captain of the Guards to attend his Corps accordingly. And told all that belonged to the King, they muſt continue on the ſame Foot they were at preſent, for he could do more for them. While the King of *France* was making this Speech, the whole Court was in Tears; but when he had done, they clapped their Hands for Joy, which cauſed that Great Monarch to

1701. The King desir'd to be buried privately at St. G
mains, dying there in Exile; but the King of F
told him, That was the only thing in the Worl
could not grant him; for he would lay him, whe
would have the Honour to lie by him himself.
on *Fryday* the 17th Instant *N. S.* about 3 in the A
noon, the King died, in the 69th Year of his Age,
Day he always fasted, in Memory of our Blessed
our's Passion; the Day he ever desired to die on,
the ninth Hour, according to the *Jewish* Account,
our Saviour was Crucified. His Death was edifyi
Men, and no doubt precious to God. As soon
was departed, the great Master of the Ceremoni
France (by the King's Order) Proclaim'd the pre
ed Prince of *Wales* King of *Great Britain*, and a
Dominions thereunto belonging, with the usual
mony. The Queen was appointed Regent; My
Middleton gave up the Great Seal. All the Lords
the Oath of Fidelity; the Servants kissed his
and every thing stood as it did in King *James*'s Da

They farther added two remarkable Passages: Th
was; That when the King first fainted in the Ch
when he first fell ill, 'twas on *Good Fryday*, on Si
the Anthem, the two first Verses of the last Chap
the *Lamentations*, *Remember, O Lord, what is com
us: Consider and behold our Reproach. Our Inherit
turned to Strangers, our Houses to Aliens.* Which
touching, and made such an Impression upon
that he never perfectly recovered it, although he
to the Waters of *Bourbon*. The other was, the
of *France* upon his Sickness, called his Great C
which consisting of 23 Persons: All but Seven w
gainst Proclaiming the Son so soon. The Dauphi
ing the last that was to speak, rose up in some
and said, It would be a great Piece of Cowardic
unworthy the Crown of *France*, to abandon a Pr
their own Blood, especially one that was so dear to
as the Son of King *James*: That for his Part,
resolv'd, not only to hazard his Life, but all th
dear to him for his Restauration. The King of
said, *I am of Monseigneur's Opinion.* And so said
Princes of the Blood.

As for the Subsistance this Prince had duri
time of his long Exile, what came from Private
we cannot possibly learn, but the *French* King's

nce for the Support of him and his Family amounted 1701.
o 40000 *l.* Sterling and no more; and for his Guard,
fteen of the *French* Houſhold Guards always attended
im.

As to the Perſon of this King, he was pretty tall, K. *James* Character.
ir Complexioned, and of a longiſh Viſage, eſpecially
to his Chin: We cannot allow him to be altogether
ndowed with ſuch great Parts as his Brother King
harles II. but he was certainly much more induſtrious
nd Intent upon Buſineſs, and far excelled him in that
dmirable Vertue of Temperance; neither was he ob-
erved to be guilty of prophane Swearing; he was of a
amiliar Nature enough, and extreamly Courteous with
he Civilities of his Hat, but ſomewhat too Cholerick
pon Provocations: And as it ſounds harſh to ſay he
as Vindictive, yet it muſt be owned at leaſt, that he
as Unfortunate in the Choice of ſome of his Miniſters,
he *Odium* of whoſe Cruelties, they found at laſt the
rtifice to throw upon himſelf. He has an extream Lo-
er of Soldiery and Military Exerciſes, but proved the
oſt unfortunate Man in the World in it. The Anti-
nts reckoned Fortitude of the Number of Moral Ver-
es; and it would not look well to ſay of any Prince
(to whom Valour is an eſſencial Qualification) that
e wanted Courage, much leſs of King *James*, who ſo
ften, both by Sea and Land expoſed himſelf to Dan-
ers: However, his very Friends charged him with the
want of his Duty in the Battle of the *Boyne*, where he
ade not that Defence as became him, but too eaſily
ave way to the prevailing Arms of his great Adverſary:
ut tho' he was temperate beyond his Brother, yet he
anted the Chaſtity of his Father: However he ſhared
o a large Degree, his Uxorioufneſs towards his Wife;
nd he muſt be owned to be a more indulgent Father
han the unhappy Circumſtances of things and more eſ-
ecially the Diverſity of Religion, would poſſibly al-
ow his Children to be dutiful: And let me add one
hing more, as not the leaſt of Princely Vertues, that
e was a careful Manager of his Treaſury, and an excel-
ent Husband of his Revenues.

He had by his firſt Wife, *Anne Hide*, Daughter to K. *James* Children.
he Earl of *Clarendon*, I. *Charles*, entitled Duke of *Cam-*
ridge, born in 1660, and did not long ſurvive. II.
Mary Princeſs of *Orange*, and after Queen of *England*,
orn *April* 30. 1662. who died *December* 28. 1694. III.

1701. *James* born *July* 12. 1663. and lived not long after. IV. *Anne*, born *February* 6. 1664. and is now Queen of *England*. V. Another Son born *July* 4. 1666. VI. Two at a Birth (as I take it) born in 1667 and had the Titles of Earls of *Cambridge* and *Kendal* given them; the laſt died about the 26th of *May* the ſame Year, and the other on the 20th of *June* following. VII. A Daughter born on the 13th of *January*, 1668. and named *Henrietta*, ſhe died at St. *James's* on the 15th of *November* 1669. Another Son named *Edgar*, who died on the 8th of *June* 1671. IX. A Daughter named *Catharine* who died the 6th of *December*, the ſame Year, *Anne* Dutcheſs of *York*, dying on the 31ſt of *March*, 1671 and his Royal Highneſs Marrying a ſecond Wife, *viz.* *Mary d'Eſte*, Siſter to the Duke of *Modena*; he had by her I. a Son named *James*. II. A Daughter named *Catharina Laura*, born *January* 10th 1676. III. *Elizabeth*, who died in *March* 1681. IV. *James* the pretended Prince of *Wales*, ſaid to be born *June* 10th 1688. V. And a ſuppoſed Daughter born in *France* in 1692 who was baptized by the Name of *Maria Loviſa*.

His natural Children are, 1 by the Counteſs of *Dorcheſter*, one Daughter only, ſometime Wife to the Earl of *Angleſey*, from whom he was in 1701 Divorced in Parliament. 2 By Madam *Churchill*. I *James Fitz James* Duke of *Berwick*, II. *Henry Fitz James*, entituled Grand Prior, who dyed towards the End of the laſt Year, being commonly known in *France* by the Title of Duke of *Albemarle*. III. The Lady *Waldgrave*. IV. Another Daughter now a Nun in a *French* Convent.

6 AP 58

THE INDEX.

A

Abdication, Debates upon it, Page 229, &c. *Agreed to by the Lords*, 277.
Addreſs (Commons) to K. Charles II. 45.
Addreſs (Commons) to K. James, 127. *His Anſwer*, 133. *Debates upon it*, 134. *Of the* Scotch, 89. *About the Act of Settlement.* 313.
Aghrim *Battle there*, 381.
Argyle (*E. of*) *his Explanation of the Teſt*, 55. *His Speech to the Lord Juſtice General*, 58. *Try'd and Pleadings for, and againſt him*, 63. &c. *Obſervations thereupon*, 66. *found Guilty, and eſcapes*, ibid. *Invades* Scotland. 96. *His Declaration*, ib. *His Letter of Summons*, 98. *Defeated* 100. *Beheaded.* 101.
Athlone *inveſted*, 366. *The Siege raiſed*, 370. *Beſieged again*, 378. *Taken*, 379.
Attainder (Iriſh *Act of*) 325. & ſeq. *Obſervations upon it*, 341.

B.

Baltimore *ſurrendred to the* Engliſh, 378.
Baxter (Richard) *Try'd and Impriſoned*, 92.
Beachyhead *Fight*, 367.
Beaumont (*Lieutenant Colonel*) *Addreſs to the Duke of* Berwick, 197.
Bedloe *Caſtle taken by the* Engliſh, 359.
Biſhops (Seven) Petition the King, 179. *Sent to the Tower*, ibid. *Try'd*, 191. *Acquitted*, 195.
Biſhops Advice to the King, 199.
Boyne (*Battle of*) 329.
Buckingham (*Duke of*) *His Death and Character*, 171.

C.

Cambridge *Univerſity proceeded againſt*, 180. & ſeq. *Vice-Chancellor* &c. *deprived*, 184.
Carrigfirgus *ſurrendred*, 352.

Caſtle-

Caſtlemaine (*Lord*) *ſent an Ambaſſador to the Pope*, 144.
Chancellor (*Vice*) *of* Cambridge *ſummon'd before the Eccleſiaſtical Commiſſioners*, 182. *Pleadings*, ib. *Sentenced*, 184.
Charlemont (*Caſtle of*) *Inveſted*, 359. *Surrendred*, 360.
Charles I. *Beheaded*, 3.
Charles II. *Crowned in* Scotland, 4. *Reſtored*, 7. *Crowned in* England, 8. *His Death*, 73. *His Burial*, 75.
Charter of London *reſtored*, 202.
Commiſſion Eccleſiaſtical, 146, &c. *Diſſolved*, 203.
Convention meet in England, 221. *in* Scotland, *and their Proceedings*, 287.
Cork *inveſted and ſurrendred*, 376.
Corniſh (*Mr.*) *Tryed and Executed*, 118.

D

Dangerfield (Tho.) *Try'd, Puniſhed, and Killed*, 92.
Declaration (*King* James's) *For Liberty of Conſcience*, 170. *Order'd to be read in Churches*, 178. *For Calling a Parliament*, 199. *Of the Lords at* Guildhall, 212. *Several other of K.* James's, 302. 396. 408.
Delamere (*Lord*) *Try'd and Acquitted*, 139.
Denmark (*Prince of*) *goes to the Prince of* Orange, 208. *His Letter to the King*, ibi.
Diſpenſing Power ſet up, 14
Drogheda *ſurrendred to Kin* William, 36
Dublin (*Charter of*) *demanded by* Tyrconnel, 172. *They Petition the King*, 173. *Pleadings about it*, 174. *A Qu* Warranto *iſſued out again the City*, 17
undalk, *the* Engliſh *Cam there*, 35
Dundee (*Viſcount*) *declares for K.* James, 21
Killed, ibi.
Dunkirk (*Battle of,*) *taken*,
Dutch *beat at Sea*, 1

E

Edenburgh (*Caſtle of*) *ſecured for King* Jame 289. *Surrendred*, ibi.
Excluſion Bill brought in, 2 *Debates of the Commons on it*, 26, &c. *Carry in the affirmative*, 37. *Copy of the Bill*, ibid. *More Debates*, 40, *Thrown out by the Lor*

F

Fight (Sold Bay's)

G

Galloway *Beſieged and ſ rendred*, 3
Ger

Gerard (*Lord* Brandon) *His Tryal, &c.* 136.
Grafton (*Duke of*) *killed* 376.

H

Hampden (*Mr.*) *Tryed,* 139.
Herbert (*Lord*) *Accuſed and Impriſoned in* France, 392.

I

James (*King*) *Proclaimed King in* England, 73. *In* Scotland, 75. *In* Ireland, 76. *Crowned,* 79. *Grants a General Pardon,* 198. *Deſerted by his Army,* 108. *His Firſt Withdrawing,* 211. *Returns from* Feverſham, 213. *Ordered to withdraw,* ibid. *His Letter to the Earl of* Feverſham, 115. *His Reaſons for withdrawing himſelf,* 216. *His Abdication,* 215. *His Letter to the P. Council after his Abdication,* 218. *Lands in* Ireland, 281. *Makes his Entry in* Dublin, 284. *Departs for* France, 367. *His Court at St.* Germains, 389. *Deſigns to invade* England, 405. *His Sickneſs and Death,* 411. *His Character,* 415. *His Children,* 416.
Inniskillingers, *An Account of them,* 344. 354.
Jefferies (*Lord*) *His Cruelty in the Weſt,* 116. *Death.* 215.
Judges (*twelve*) *Their Opinion about the diſpenſing Power,* 145.

K

Kingſale *Beſieged by the* Engliſh, 377. *Surrendred,* ibid.

L

Letter of King Charles *to the Duke of* York, 21. *Of the* Scotch *Council to the King,* 24. 55. *Of King* James *to the* Scotch *Privy-Council,* 168. *Their Anſwer,* 170. *To the* Scotch *Parliament,* 85. 140. *To the Chancellor of* Cambridge, 180. *To the* Scotch *Convention,* 287. *To the* Iriſh *Troops,* 389, &c. *To the Council in* England, 394. *To the* French *King upon the Defeat of his Fleet,* 406.
Limerick *Beſieged,* 371. *The Siege raiſed,* 374. *Beſieged a ſecond Time,* 386. *Surrendred,* 388.
Liſt of K. James's *Followers,* 282. *Of his Privy Council in* Ireland, 348.
London (*Biſhop of*) *Try'd* 153. *Sentenced.* 157.
Londonderry *ſtands Tryal for its Charter,* 174. *Denies Entrance to* Antrim's *Regiment,* 290. *Beſieged by the* Iriſh, 291. *Propoſals*

poſals to Derry, 295. *Relieved and the Siege raiſed*, 300.
Lucas (*Lord*) *made Lieutenant of the Tower*, 212.

M

Magdalen *Colledge* (*Fellows of*) *Petition the King*, 184. *Cited before the Eccleſiaſtical Commiſſioners*, 185. *Their Plea*, ibid. *Summoned again. Deprived*, 190.
Manifeſto of K. James *at* Ryſwick, 412.
Meath (*Biſhop of*) *his Propoſals to the Earl of* Tyrconnel, 278. *His Speech in the* Iriſh *Parliament about the Act of Settlement*, 304. *His Objections againſt the Particulars of that Bill*, 312.
Medalls Several upon divers Occaſions, 12. 13. 18. 71. 94. 113. 115.
Melfort (*Earl of*) *His Letter to the Earl of* Perth, 413.
Memorial (*King* James's) *at the* Hague, 198. *States Anſwer*, ibid. *The* French *King's there*, ibid.
Money (*Braſs*) *Coyned in* Ireland, 348.
Monmouth (*Duke of*) *lands in* England, 101. *His Declaration*, 102 &c. *Defeated and Taken*, 111. *Committed to the Tower and Beheaded*, 112. *His Paper at his Execution*, 112.

O

Oaths of the Scotch *Diſſenters*. 196.
Oats (*Dr.*) *his Tryal*, 27, &c.
Orange (*Prince of*) *married*, 20. *Lands in* England, 207. *Arrives at* Exeter, ibid. *His Speech to the Gentlemen that joyned him*, 207, *ſucceſful*, 207. *Takes the Adminiſtration of the Goverment upon him*, 217.
Order (*ſevere*) *of* G. Roſen, 296. *Of C.* Lutterel's *againſt the Proteſtants meeting*, 35.
Orleans (*Dutcheſs of*) *Her Death*, 14.
Oxford *Beſieged and Surrendred*, 3. *Parliament meet there, and Diſſolved*, 52.
Oxford (*Biſhop of*) *recommended by the King to the Prebendſhip of* Magdalen *Colledge*, 187. *Rejected by the Fellows*, ibid.

P

Parliament (*Long*) *Diſſolved*, 21. *A new one Vote the Excluſion*, ibid. *Prorogued and Diſſolved*, 51. *Another at* Oxford *Diſſolved*, 52. *One in* Scotland, ibid.
Petition (*Mr.* Allen's) *to K.* James, 349.

Proclamation (*King* James's) *about his Coronation*, 77. *About Toleration in* Scotland, 169. *The Regulation of the Preſs*, 176. *Recalling his Subjects from the Service of the* Dutch, 177. *Several in* Ireland, 286. 348.
Propoſals (*King* James's) *to the Prince, of* O, 210. *The Other's Anſwer*, ibid.
Propoſitions (*Biſhops*) *to K.* James, 199.
Proteſtants Requeſt to King James, *Denyed*, 390.
Proteſtation againſt repealing the Act of Settlement, 312.

Q

Queen (*King* James's) *goes for* France, 211.

R

Rebellion (Scotch) 23.
Ruth (*St.*) *his Speech to the* Iriſh, 380. *Slain*, 385.

S

Sandwich (*Earl of*) *loſt*, 16.
Sarsfield (*Col.*) *blows up the* Engliſh *Train of Artillery*, 372.
Scotland (*Affairs of*) 356.
Scotch *Teſt*, 53.
Southwel (*Sir* Thomas) *a Narrative of his Caſe*, 342, &c.
Speech (*King* James's) *to the Privy Council*, 74. *Another to them*, 95. *Another*, 119. *Debates of the Commons upon it*, 202. &c. *To the Privy Council and others about the Birth of the Pretended P.* 202. *To the Parliament at* Dublin, 300. *To the Citizens upon his laſt Leaving it*, 366.
Speeches about the Abdication, 222. & ſeq.
Speech of the Scotch *Commiſſioner*, 85. 142. *Of the Earl of* Clarendon *at his Leaving* Ireland, 165.

T

Talbot (Richard) *Checkmaſter of the* Iriſh *Army*, 136. *His Method of Regulating it*, 137. *Recommended to the King by the* Iriſh *Clergy*, ibid. *Made Earl of* Tyrconnel, 138. *Made a Privy Councellor*, 165. *Arrives in* Ireland, *ibid. His firſt Declaration upon his Entring upon the Government*, 167. *Demands* Dublin *Charter*, 172.
Treaty of Allyance between England *and* Holland, *renewed*, 160. & ſeq. *between* England *and* France, 158. &c.
Tyrconnel, *See* Talbot.

W

Wales (*P. Prince of*) *born*, 180. *Affidavits about his Birth*, 203.
Wars (*Civil*) *in* England, 2.
War (Dutch) *Cause of it*, 8. *War proclaimed*, 9. *Progress of it*, 10. *Second* Dutch *War*, 15.
Waterford *Besieged and Surrendred*. 370.
William (*King*) *lands in* Ireland, 360. *Defeats the* Irish *at the* Boyne, 361. *Enters* Dublin, 369. *Returns for* England, 374.
Woolsey (*Colonel*) *routs the* Irish, 357.

Y.

York (*Duke of*) *His Birth*, 9. *Education*, 12. *Makes his Escape from* England, 3. *Made Lieutenant General of the* French *Army*, 4. *Banished out of* France, 5. *Presented with Money by the* English *Parliament and Convention of* Ireland, 7. *Made Captain of the* London *Artillery*, 8. *Made Admiral*, 9. *Married a Second Wife*, 17. *Goes for* Holland, 22. *Goes for* Scotland, 23. *Returns*, 67. *In Danger of Drowning*, 67. *Proclaimed King*, 73.
York (*First Dutchess of*) *allowed Precedency of the Princess of* Orange, *&c.* 7. *Her Death and Character*, 14.
York (*Second Dutchess of*) *brought to Bed of 4 Princess*. 19.

FINIS.

BOOKS Printed for, and Sold by John Sprint *at the* Blew Bell *in* Little-Britain.

Joh. Amos Commenii Orbis Sensualium Pictus: Hoc est, Omnium Fundamentalium in Mundo Rerum, & in Vita Actionum, Pictura & Nomenclatura. Joh. Amos Commenius's visible World: Or a Picture and Nomenclature of all the chief things that are in the World; and of Mens Employments therein. Written by the Author in Latin and High-Dutch (being one of his last Essays, and the most suitable to Childrens Capacities of any that he hath hitherto made) and translated into English by Charles Hoole, M. A. For the Use of young Latin Scholars.

Sermons Preached on Several Occasions, Vol. the 4th. by John Connant D. D. Published by John Lord Bishop of Chichester, 8vo. Price 5. s.

Harmonia Sacra, or Divine Hymns and Dialogues; with a Through-Bass for the Theorbo-Lute, Bass-Viol, Harpsichord, or Organ. Composed by the best Masters of the last and present Age. The Words by several Learned and Pious Persons. The First Book. The 2d Edition very much enlarged and corrected; also four excellent Anthems of the late Mr. Henry Purcell's, never before Printed.

The Life of William the 3d, late King of England and Prince of Orange; containing an Account of his Family, Birth, Education, Accession to the Dignity of Stadtholder, and Captain General of Holland, his Marriage, Expedition to England, and the various Steps by which he and his Princess ascended the Throne; with the History of his Reign, Enterprises and Conduct, in Peace or War.

And a Relation of his Will, Death and Funeral, intermixt with very many original Papers, Letters, Memoirs, his publick Speeches, Declarations, Treaties, and Alliances: Several of which never before printed. Illustrated with divers Cuts, Medals, *&c.* The Second Edition Corrected.

BOOKS Printed for, and Sold by T. Ballard *at the* Rising Sun *in* Little-Britain.

MEchanick Powers; or the Mystery of Nature and Art unvail'd; shewing what great things may be perform'd

form'd by mechanick Engines, in removing and raiſing Bodies of vaſt Weights with little Strength or Force; and alſo the making of Machines or Engines, for raiſing of Water, draining of Grounds, and ſeveral other Uſes. Together with a Treatiſe of circular Motion artificially fitted to Mechanick uſe, and the making of Clock-Work, and other Engines. The whole comprized in ten Books, and illuſtrated with Copper Cuts. By Ven. Mandey, Philomat.

Eſſays upon ſeveral Subjects: or Effectual Ways for advancing the Intereſt of the Nation. Wherein are plainly laid down, the Means by which the Subjects in general may be eaſed and enriched; the Poor relieved and Trade encreaſed in the moſt material Branches of it, viz. in conſtituting Seamen to theirs and the Nations Advantage for Encouragement of Merchants and merchandizing; for Relief of the Poor, of friendly Societies, for diſcouraging Vice, and encouraging Vertue; the Uſefulneſs of Banks and Aſſurances; to prevent Bankrupts; with the ſureſt Way to recover bad Debts; and many other conſiderable things, profitable and conducing to the great Advantage of the Nation in general, by Daniel de Foe.

The compleat Gentleman Soldier: Or a Treatiſe of Military Diſcipline, Fortifications and Gunnery. In three Parts. The firſt treats of the Rules for the Exerciſe of Horſe and Foot, with all the Evolutions, Wheelings, Doublings, Marches, Encampments, Intrenchments, and other Obſervations belonging to the whole Art of War, as now practiſed. The ſecond ſhews the Principles and Practice of all manner of Fortifications regular or irregular, as now uſed by the Engliſh, Dutch, French, German and Italian Ingineers. The third of Gunnery, ſhewing the Qualification of a Gunner; with the Dimenſions and Meaſures of the Rampiers, Parapets, Moats, Baſtions, and all other Parts. The Delineations of Ravelins, Half-moons, Tenails, Horn-works, Crown-works and Cittadels. Of Mortars, Bombs, Batteries, Approaches, Trenches, Mines, Aſſaults, &c. The whole illuſtrated with 19. Copper-Plates, by an Officer in the Army. 6 AP 58

THE

SUPPLEMENT.

HAving already, in the Preface, given the Reaſon of adding this Supplement, which ariſes chiefly from a Conſideration of our unwillingneſs to give any Offence to the Buyers of the firſt Edition; there is no occaſion to ſay any more concerning it in this place, and ſo we ſhall proceed to it.


BRITISH MUSEUM

A LETTER FROM *James* Duke of *York*, For the EARL of PETERBOROUGH.

My Lord of Peterborough.

THE Wind coming contrary, you will have prevented that Perplexity, which otherwiſe I Judge you would ve been in, by the miſtake of Secretary *Maurice* his Let- r: The King's direction to him was, to ſend to you to Sail *Tangier*, when you had a thouſand Men, which he by mi- ke wrote *Lisbon*; the King hath order'd Secretary *Nicholas* write to you, and to certify that miſtake, to which I re- you. Order was given on *Saturday* laſt, to quicken down reſt of the Merchant Ships, which I ſuppoſe is done, the Wind continue contrary, there will be an inevitable ceſſity for you to ſend ſome of your Proviſions to Victual em for their return; which I deſire you to do, and oblige ſelf to take care for the reſtoring it to you again. 1661.

I am your affectionate Friend,

Whitehal Dec. 9. 1661. James.

Another from the Duke, to the Earl.

My Lord of Peterborough.

Have omitted to write to you all this while, in anſwer to ſeveral of your Letters, expecting ſtill the diſpatch of this rer Major *Fines*, who hath ſtaid here ſolliciting ſome

1661. Concerns of his Regiment, which he hath now diſpatch'd. And as to what you deſire to know, concerning ſuch Offices in the reſpective Regiments, as ſhall become vacant; the King hath commanded me to tell you, That when they ſhall happen, you ſhall fill them up out of ſuch of the ſame Regiment, as by Right and Merit may pretend to be advanced; which I hope will be a great Incouragement to the whole Troops under your Command, when they ſee no fear of others to come over their Heads. And becauſe ſome of the Regiments are not compleat of Soldiers, according to the Eſtabliſhment; the King would have you to keep all ſuch Monies of the vacant Places of the common Soldiers, in your Hands, to be laid out in Recruiting or other Uſes, for every reſpective Regiment; and from Time to Time to give an Account of it here, that you may receive farther Directions. This is all I have to ſay to you at preſent, but to wiſh you a good Voyage, and to aſſure you that you ſhall ever find me to be,

Your very affectionate Friend,

Whitehall Dec. 20. 1661. James.

James *Duke of* York *and* Albany, *Earl of* Ulſter, *Lord High Admiral of* England, Ireland *and* Wales, *with the Dominions and Iſles of the ſame, of the Town of* Calais, *and the Marſhes thereof*; *of* Normandy, Gaſcoign *and* Aquitain, *and Captain General of the Navies and Seas of his Majeſties Dominions, and alſo Lord high Admiral of his Majeſty's Town of* Dunkirk, *and of his Dominions of* New England, Jamaica, Virginia, Barbadoes, *St.* Chriſtophers, Bermudos *and* Antego *in* America; *and of* Guinea, Binny, Angola *in* Africa, *and of* Tangier, *the Kingdom of* Fez; *and alſo of all and ſingular his Majeſties other Dominions whatſoever in Parts tranſmarine*; *Conſtable of* Dover-*Caſtle*, *Lord* Warden *of the* Cinque-Ports, *and Governor of* Portſmouth, *&c.*

To Henry *Earl of* Peterborough,

BY vertue of the Power and Authority unto me granted by the King my Sovereign Lord and Brother, by his Majeſties Letters Patents, under the Great Seal of *Eng-*

and, bearing date the 27th of *February*, in the fourteenth year of his Majesty's Reign; I do hereby Empower and Authorize you, the said *Henry* Earl of *Peterborough* (whom I have Nominated, Constituted and Appointed, to be my Vice-Admiral of the City and Port of *Tangier* in *Africa*, and of the maritime Places thereunto adjacent and appertaining) to appoint a Judge Advocate, Register, Proctor and Marshal of the High Court of Admiralty of *Tangier* aforesaid; for the due and orderly Management of all Proceedings in the Vice-Admiralty of the said City, Part and Places, adjacent and belonging to *Tangier* aforesaid; during the Vacancies of the said Places, and until I shall think fit to give farther Order therein; and for so doing this shall be your Warrant. Given under my Hand and Seal at *Hampton-Court*, *August* 10. 1662. 1662.

James.

By Command of his Highness
W. Covenny.

SIR,

I Have not presumed in any Manner to approach your Royal Presence, since I have been marked with the brand of Banishment, and I would still with the same Awe forbear this Presumption, if I did not believe my self bound by all the Obligations of Duty to make this Address to you. I have been too much acquainted with the Presumption and Impudence of the Times, in raising false and scandalous Reproaches upon Innocent and Worthy Persons of all Qualities and Degrees, to give credit to those bold Whispers, which have been too long scatter'd abroad, concerning your Wives being shaken in her Religion: But when those Whispers break out into Noise, and publick Persons begin to report that the Dutchess is become a Roman Catholick. When I heard that many Persons of unquestionable Devotion to your Royal Highness, are not without some Fear and Apprehension of it; and many Reflections are made from thence to the prejudice of your Royal Person, and even of the King's Majesty. I hope it may not misbecome me, at what distance soever, to cast my self at your Feet, and beseech you to look to this Matter in time, and to apply some Antidote to expel the Poison of it. It is not possible your Royal Highness can be without Zeal and intire Devotion for that Church, for the Purity and Preservation whereof, your Blessed Father made himself a Sacrifice; and to the Restoration whereof, you have contributed your self so much, and which highly deserves the King's Protection and yours, since there can be no possible Defection in the

Lord Chanc. Clarendon's Letter to the Duke of York about the Dutchess. 1668.

1668. Hearts of the People, whilſt due Reverence is made to the Church. Your Wife is ſo generally believed to have ſo perfect Duty and entire Reſignation to the Will of your Highneſs, that any defection in her from her Religion, will be imputed to want of Circumſpection in you, and not uſing your Authority, or to your Connivance. I need not tell the ill Conſequence that ſuch a Mutation would be attended with, in reference to your Royal Highneſs, and even to the King himſelf; whoſe greateſt Security (under God) is in the Affection and Duty of his Proteſtant Subjects. Your Royal Highneſs well knows how far I have always been from wiſhing that the Roman Catholicks ſhould be Proſecuted with Severity. But I leſs wiſh it ſhould ever be in their Power to be able to Proſecute thoſe who differ from them, ſince we well know how little Moderation they would or could uſe.

And if this which People ſo much talk of (I hope without ground) ſhould fall out, it might very probably raiſe a greater Storm againſt the Roman Catholicks in general than modeſt Men can wiſh; ſince after ſuch a Breach, any jealouſies of their Preſumption would ſeem reaſonable. I have written to the Dutcheſs with the Freedom and Affection of a troubled and perplexed Father. I do moſt humbly beſeech your Royal Highneſs, by your Authority to reſcue her from bringing a Miſchief upon you and her ſelf, that never can be repaired; and to think it worthy your Wiſdom, to remove and diſpel thoſe Reproaches (how falſe ſoever) by better Evidence than Contempt, and hope that you do believe that no Severity I have or can undergo, ſhall in any degree leſſen or diminiſh my moſt profound Duty to his Majeſty or your Royal Highneſs, but that I do with all imaginable Obedience, ſubmit to your good Pleaſure in all Things.

God preſerve your Royal Highneſs, and keep me in your Favour. SIR,

Your Royal Highneſs's moſt humble and Obedient Servant,

Clarendon.

Earl of Clarendon's *Letter to the Dutcheſs of* York *concerning her turning Papiſt.*

YOU have much reaſon to believe that I have no mind to Trouble you and Diſpleaſe you, eſpecially in an Argument that is ſo Unpleaſant and Grievous to my ſelf; but as no diſtance of Place that is between us, in Reſpect of our Reſidence, or the greater diſtance in reſpect to

the high Condition you are in, can make me leſs your 1668
ther, or abſolve me from preſerving thoſe Obligations
ich that Relation requires of me; ſo when I receive
y credible Advertiſement of what reflects upon you, in
nt of Honour, Conſcience, or Diſcretion; I ought not
omit the acquainting you of it, or adminiſtring ſuch Ad-
e to you, as to my Underſtanding ſeems reaſonable, and
ich, I muſt ſtill hope, muſt have ſome credit with you.
ill confeſs to you, that what you wrote to me many
onths ſince, upon thoſe Reproaches which I told you were
erally reported concerning your defection in Religion,
ve me ſo much ſatisfaction, that I believed them to pro-
d from that ill Spirit of the time, that delighteth in
nders and Calumny; but I muſt tell you, the ſame Re-
rt increaſes, of late, very much; and I my ſelf ſaw a Let-
r the laſt Week from *Paris*, from a Perſon who ſaid the
glish Ambaſſador, aſſured him the Day before, that the
utcheſs was become a Roman Catholick, and which makes
reater Impreſſion upon me, I am aſſured that many good
en in *England*, who have great Affection for you and me,
d who have thought nothing more impoſſible, than that
ere ſhould be ſuch a Change in you, are, at preſent, un-
r much Affliction, with the Obſervation of a great Change
your courſe of Life, and that conſtant exerciſe of that
evotion, which was ſo notorious; and do apprehend from
ur frequent Diſcourſes, that you have not the ſame Re-
rence or Veneration which you uſed to have for the Church
England; the Church wherein you were baptiz'd, and the
hurch, the beſt conſtituted, and the moſt free from Errors
any Chriſtian Church this Day in the World: And ſhould
me Perſons, by their Inſinuations, have prevail'd with you
have a better Opinion of that which is moſt oppoſite to
, the Church of *Rome*, than the Integrity thereof deſerves;
is not yet in my power to believe, that your Wit and
nderſtanding (with God's Bleſſing upon both) can ſuffer
u to be ſhaken farther than with Melancholy Reflections
on the Iniquity and Wickedneſs of the Age we live in,
hich diſcredits all Religion; and which, with equal Li-
enſe, breaks into the Profeſſors of all, and prevails upon
e Members of all Churches, and whoſe Manners will have
o benefit from the Faith of any Church.

I preſume, you do not intangle your ſelf in the particu-
r Controverſies between the Romaniſts and us, or think
our ſelf a competent Judge of all Difficulties which occur
herein; and therefore it muſt be ſome fallacious Argu-
ent of Antiquity and Univerſality, confidently urged by
en who know leſs than many of thoſe you are acquaint-
d with, and ought leſs to be believed by you, that can
aiſe any Doubts or Scruples in you; and if you will, with

1668 equal temper, hear those who are well able to inform yo
in all such particulars, it is not possible for you to suck
that poison which can only corrupt and prevail over yo
by stopping your own Ears, and shutting your own Eye
There are but two Persons in the World who have great
Authority with you than I can pretend to, and I am sur
they both suffer more in this Rumour, and would suff
much more if there were ground for it, than I can do
and truly I am as unlikely to be deceived my self, or to d
ceive you, as any Man who endeavours to pervert you
your Religion; and therefore, I beseech you, let me ha
so much credit with you, as to perswade you to commun
cate any Doubts or Scruples which occur to you, beso
you suffer them to make too deep impression upon yo
The common Argument, that there is no Salvation out
the Church, and that the Church of *Rome* is that only tr
Church, is both irrational and untrue; there are ma
Churches in which Salvation may be attained, as well
in any of them, and were many, even in the Apostles time
otherwise they would not have directed their Epistles to
many several Churches, in which there were different O
pinions received, and very different Doctrines taugh
There is indeed but one Faith, in which we can be save
the stedfast Belief of the Birth, Passion, and Resurrection
our Saviour, and every Church that receives and embr
ces that Faith, is in a state of Salvation. If the Apostles prea
true Doctrine, the reception and retention of many Erro
does not destroy the Essence of a Church; if it did, t
Church of *Rome* would be in as ill, if not a worse Condi
on than most other Christian Churches, because its Erro
are of a greater magnitude, and more destructive to R
ligion. Let not the canting Discourse of the Universality a
Extent of that Church, which has as little of Truth as t
rest, prevail over you: They who will imitate the grea
est part of the World, must then be Heathens, for, 'tis g
nerally believed, that above half the World is possessed
them, and that the Mahometans possess more than half t
Remainder: There is as little question, that of the re
which is inhabited by Christians, one part of four is not
the Communion of the Church of *Rome*; and God know
that in that very Communion, there is as great Disco
in Opinion, and in matters of as great moment, as is b
tween the other Christians.

I hear you do, in publick Discourse, dislike some thin
in the Church of *England*, as the Marriage of the Clerg
which is a Point that no Roman Catholick will pretend
be of the Essence of Religion, and in Use in many place
which are of the Constitution of the Church of *Rome*, as
Bohemia, and in those Parts of the *Greek* Church, which su
m

mit to the *Roman*; and all Men know, that in the late Council of *Trent*, the Sacraments of both kinds, and Liberty of the Clergy to Marry, was very paſſionately preſſed, both by the Emperor and the King of *France*, for their Dominions; and it was after granted to *Germany*, tho under ſuch Conditions as made it ineffectual; which, however ſhews that it was not, nor ever can be looked upon as Matter of Religion: Chriſtianity was many hundred Years Old, before ſuch a Reſtraint was ever heard of in the Church; and when it was endeavoured, it met with great oppoſition, and was never ſubmitted to. And as the poſitive Inhibition ſeems abſolutely unlawful, ſo the Inconveniences which reſult from thence, will, upon a juſt diſquiſition, be found ſuperior to thoſe which attend the Liberty which Chriſtian Religion permits. Thoſe Arguments which are not ſtrong enough to draw Perſons from the Roman Communion, into that of the Church of *England*, when Cuſtom and Education, and a long ſtupid Reſignation of all their Faculties to their Teachers, uſually ſhut out all Reaſon to the contrary, may yet be abundant to retain thoſe who have been baptiz'd, and bred, and inſtructed in the Grounds and Principles of that Religion, which are, in truth, not only founded upon the clear Authority of the Scriptures, but upon the Conſent of Antiquity, and the practiſe of the Primitive Church; and Men who look into Antiquity, know well by what Corruption and Violence, and with what conſtant and continual oppoſition thoſe Opinions, which are contrary to ours, crept into the World; and how unwarrantably the Authority of the Biſhop of *Rome*, which alone ſupports all the reſt, came to prevail, who hath no more pretence of Authority and Power in *England*, than the Biſhops of *Paris*, or *Toledo* can as reaſonably lay claim to; and is ſo far from being matter of Catholick Religion, that the Pope hath ſo much, and no more to do in *France* or *Spain*, or any other Catholick Dominion, than the Power, and Laws, and Conſtitutions give him leave, which makes him ſo little, if at all, conſidered in *France*, and ſo much in *Spain*: And therefore the Engliſh Catholicks which attribute ſo much to him, make themſelves very unwarrantably of another Religion than the Catholick Church profeſſeth; and, without doubt, they who deſert the Church of *England*, of which they are Members, and become thereby diſobedient to the Eccleſiaſtical and Civil Laws of their Countries, and therein renounce their ſubjection to the State, as well as to the Church, (which are grievous ſins) had need have a better Excuſe, than the meeting with ſome Doubts which they could not anſwer; and leſs, than a manifeſt Evidence that their Salvation is deſperate in that Communion, cannot ſerve their turn. And they who imagine, 1668

1668 gine they have ſuch an Evidence, ought rather to ſuſpect, that their Underſtanding hath forſaken them, and that they are become Mad, than that the Church, which is repleniſhed with all Learning and Piety requiſite, can betray them to Perdition. I beſeech you to conſider, (which I hope will over-rule thoſe ordinary Doubts and Objections which may be infuſed into you) that if you change your Religion, you renounce all Obedience and Affection to your Father, who loves you ſo tenderly; that ſuch an odious mutation would break his Heart. You condemn your Father and your Mother, (whoſe incomparable Vertue, Piety, and Devotion hath placed her in Heaven) for having impiouſly Educated you; and you declare the Church and State, to both which you owe Reverence and Subjection, to be, in your Judgment, Anti-chriſtian. You bring irreparable Diſhonour, Scandal and Prejudice, to the Duke your Husband, to whom you ought to pay all imaginable Duty, and whom I preſume, is much more precious to you than your own Life; and all poſſible ruin to your Children, of whoſe Company and Converſation you muſt expect to be deprived: For, God forbid, that after ſuch an Apoſtacy, you ſhould have any power in the Education of your Children. You have many Enemies, whom you herein would abundantly gratify; and ſome Friends, whom you will thereby (at leaſt as far as in you lies) perfectly deſtroy and afflict many others who have deſerved well of you.

I know you are not inclined to any part of this Miſchief, and therefore offer thoſe Conſiderations, as all thoſe particulars would be the infallible Conſequence of ſuch a Concluſion. It is to me the ſaddeſt Circumſtance of my Baniſhment, that I may not be admitted in ſuch a Seaſon as this, to confer with you; when I am confident I could ſatisfie you in all your Doubts, and make it appear to you, that there are many Abſurdities in the Roman Religion, inconſiſtent with your Judgment and Underſtanding, and many Impieties inconſiſtent with your Conſcience; ſo that before you can ſubmit to the Obligations of Faith, you muſt diveſt your ſelf of your natural Reaſon and common Senſe, and captivate the Dictates of your own Conſcience to the Impoſitions of an Authority, which hath not any pretence to oblige or adviſe you. If you will not, with freedom, communicate the Doubts which occur to you, to thoſe near you, of whoſe Learning and Piety you have had much Experience; let me conjure you to impart them to me, and to expect my Anſwer before you ſuffer them to prevail over you.

God Bleſs you and yours.

About

1670

Proceedings about the Duke, of the ſecond Marriage.

About the Year 1670, it fell out that *Ann*, Dutcheſs of *York*, departed this Life; and by thoſe that were Friends to the Duke and the Government, it was thought fit, that another ſhould be ſought to ſupply by her fruitfulneſs, the want of Iſſue Male, which Providence, to that time, had denyed to the Felicity of the Royal Houſe. All concurred in the Profeſſion, that this was neceſſary, but not every one in their Endeavours to accompliſh it: The Acceſſion of Sons like to live, would have made the Duke more conſiderable, than his Enemies wiſhed that he ſhould be; and Objections were not wanting from many of them that were in place to ſpeak, and in right to be heard in Occaſions and Councils of that nature, againſt any that ſeemed proper to his Friends for his Alliance: Some of them, it was ſaid, wanted Fortune; others were not of Quality enough; and there were thoſe who were not bred in the Religion of the Country, which, in certain Men, was not eaſie to digeſt. At laſt, the good King, (who, it were to have been wiſhed, had in more good things followed his own good Nature, and Judgment) accepted of the Propoſition made from *Spain*, by Sir *Mark Ogniate*, at that time Agent in *England*, who came out of *Flanders*, of a Marriage and Treaty to that purpoſe, with the young Arch-Dutcheſs of *Inſpruck*, which was believed would have anſwer'd all the Objections of Honour, Fortune, and Fruitfulneſs, more than any Princeſs that had been propoſed: This could not apparently be refuſed by the Miniſters, who found the King did himſelf deſire his Brother's Marriage; and that the Duke was reſolved to have a Wife at any rate: Therefore the Expedient for its hindrance was, to propoſe a Creature of their own, one that followed the Court, and the favour of it, by Birth a Stranger, not concerned what became of the Succeſſion of *England*, to be ſent over in Quality of a Negotiator of this Buſineſs: This Man was engaged in this Affair, whom they did manage as they pleaſed; they made him advance it one Day and retard it in another; and at laſt he did contribute by his Skill, to ſo long Delays, that it became apparent, by divers Signs of the Empreſs's ill Health, that ſhe was not long like to live.

From that time, the Emperor, who thought it juſt he ſhould provide for his own Happineſs in the firſt Place, began to caſt his Thoughts upon this Princeſs, and his Counſel, for his ſatisfaction, as well as for the Intereſt of his Houſe, by reuniting the Concerns of *Inſpruck*, that had been the Appennage of thoſe Arch-Dukes, did wholly give their Approbation of that Conditional Intention, in caſe of the Empreſs's Death: So that when the Court of *England* was in expectation of a final Concluſion of this Treaty; the cunning

1672 cunning Negotiator did procure the appearance of it, to ſtop the Mouths of diſſatisfied Men, and the Clamours that would have been upon a Rupture, after a Years ſuſpence and chargeable Treaty; ſo that the Duke being then upon the Sea, immediately after the Engagement of *Sole Bay*, in the laſt Dutch War, the Envoy at *Vienna*, ſent word the Treaty was now ended, and there wanted only an Extraordinary Ambaſſador from the King to come to demand and Marry the Arch-Dutcheſs, according to the Forms, towards the bringing her to *England*, contenting the King in that Affair, and making the Duke happy.

Hereupon his Royal Highneſs, who had long in his Mind pitched upon the Earl of *Peterborow*, to undertake and manage this great Truſt, not only as the firſt Perſon about him, for his Birth and Quality, but as a Man whom he knew could never be corrupted, to act, or omit any thing that might prove contrary to his Intereſt or Service, did now declare he ſhould (with the King's leave) be alone employ'd and truſted as Embaſſador Extraordinary, in perfecting this matter, which ſo nearly did concern him.

The Earl did, at that time, attend the Duke in his own Ship, he had been with him the whole Expedition, and was particularly participant of all the Honours and Hazards of that bloody Battel, wherein the Noble Earl of *Sandwich* loſt his Life, and ſo many brave Gentlemen on either Party. And from off this Fleet, it was, he commanded the Earl to repair to the King, and to intreat his Order to the Miniſters, for preparing Money, Inſtructions and Inſtruments that might enable him to proceed on his Journey, in order to bring him home the Princeſs, that had been ſo much deſired.

Upon his arrival, and firſt Audience of the King upon this Affair, he found his Majeſty not ſo warm as he did expect; he would not truſt the Earl entirely with his Indifference, but let fall ſome doubtful Words, as if it were unſound, whether he would comply with more Delays; but when he found by the ſteadineſs of his Lordſhip's Anſwers that he did expect an ingenuous proceeding, for his Maſter's Satisfaction; his Majeſty, a little abruptly, broke off the Diſcourſe, and bid him repair to the Miniſters, who ſhould have Orders to diſpatch him with as much ſpeed as the preparation would admit.

He addreſſed himſelf, in the firſt place, to the Lord Treaſurer, who, for all his concurrence with the Duke in other Ends and Intereſts, by which he had gain'd a particular ſhare in his Credit and Favour; yet he was certainly no Friend to this, nor wiſhed ſucceſs to any other Foreign Proceeding; and did comply with, if not foment the King's Inclination to a further Delay in the Affair. Whether

was, That he would not appear to the approaching Parliament, Author of a Match, he thought they were not like to approve, or that he hoped the over-long delays would weary the Duke, and make him at laſt content to take up with ſome Lady, for whom this Lord had a Favour in the Court at home. 1672

Certain it is, that he received the Earl's preſſing Deſires for a diſpatch, with a colder kind of moroſeneſs than he could have imagined, and in a way as did ſeem to expect from the Earl, an underſtanding of ſomething he was not willing plainly to expreſs.

The Duke ſeemed to believe, the Obſtructions proceeded from the Inſinuations of another Miniſter, with whom he had long been out, upon many Accounts; but he being in moſt things, Competitor with the Lord Treaſurer, was glad to have occaſion to juſtifie himſelf in a thing ſo tender to the Duke, at the reaſonable Coſt of the other, and to ſet the Saddle on the right Horſe.

The Account the Earl of *Peterborough* gave to his Highneſs of theſe Affairs, brought him with as much haſte, as Matters would permit, from the Fleet to the Town; and when he arrived, the Buſineſs was ſo preſſed on his ſide, that the Miniſters were driven to break, or comply with his Deſires: But it is moſt true, that in all the Matters expected from the Treaſurer, he was more ſtiff, and more ſcarce, than was agreeable to the good Opinion, it was neceſſary for him to preſerve in the Duke's Mind; and the Earl of *Peterborough* was fain to make uſe of his Competitor, who had a deſire, at that time, to juſtify himſelf to the Duke, and had alſo much Intereſt with the King, to procure from his Majeſty, upon Reaſons of publick Honour, more large allowances than the Treaſurer would otherwiſe have made, who thought to have pinched the Earl, and made his Buſineſs uneaſie on that part, for not complying with him, in a direct ſufferance of thoſe Delays to take place, which might have obſtructed the Duke's Marriage in any Foreign part whatſoever.

However, thoſe Difficulties were overcome; Allowances were made for the Earl's Equipage, and proviſion of Money deſign'd for the maintenance of the Embaſſy; Orders were given for Commiſſions and Inſtructions; and after the Earl had ſerved his Majeſty, and raiſed for him a Regiment of Foot, whereof he was to be Colonel, deſigned for carrying on the *Dutch* War; his Affairs being all in a readineſs for his Ambaſſy, he did on the —— of *March*, in the Year —— under the Character of Ambaſſador Extraordinary to the Emperor, depart from *London* on that Employment, having in his Cuſtody, Jewels of his Royal Highneſs's particular Cabinet, to the value of 20000 *l.* for a Preſent

1672 Preſent to the young Arch-Dutcheſs of *Inſpruck*; and the King's Inſtructions to the Earl were theſe that follow.

Inſtructions for Our Right truſty, and Right well beloved Couſin, Henry *Earl of* Peterborough *going in Quality of Our Ambaſſador Extraordinary to his Imperial Majeſty; given at Our Court at* White-Hall, *the 27th Day of* February, 1672.

CHARLES R.

I. HAving ſo many Months paſt, treated privately, and in a preliminary manner, a Marriage betwixt Our moſt dear Brother, *James*, Duke of *York* and *Albany*, Our High Admiral of all Our Dominions, &c. And the moſt Serene Arch-Dutcheſs *Claudia Felicia* of *Inſpruck*; by the means of Our truſty and Well-beloved, Sir *Bernard Gaſcoign*, Knight, Our Envoy Extraordinary to his Imperial Majeſty; and finding now at laſt, that the Matter is brought to a great probability of ſucceeding, by what Our ſaid Envoy hath notified to Us, and the Powers We have given to him for the ſame, bearing Date the 27th Day of *January* laſt paſt; and being deſirous to finiſh and compleat the ſame, We have reſolved on ſending you in quality of Our Extraordinary Ambaſſador to his Imperial Majeſty, with full Powers and Inſtructions, openly and avowedly to demand of him, the ſaid Princeſs, in Marriage with Our ſaid moſt dear Brother; and to treat and conclude the ſame, according to the Papers given herewith, under Our Great Seal; and thoſe others you ſhall receive from Our ſaid moſt dear Brother: Promiſing a-new, as we have expreſt in our aforeſaid Plenipotentiary Power ſent to Sir *Bernard Gaſcoign*, to ratify the ſame as ſoon as he ſhall ſend hither the Project, ſigned by the Commiſſioners appointed to treat with him, and to tranſmit it to his Imperial Majeſty; the Ratifications whereof you ſhall ſee exchanged on both ſides, before you proceed to a final Concluſion of the Marriage, in ſuch Form as ſhall be agreed on.

II. To this effect, You ſhall tranſport your ſelf with all convenient ſpeed you can, from hence to *Strasburg*, by the way of *France*, and there expect (if the knowledge thereof cannot be ſooner imparted to you) the hearing from Sir *Bernard Gaſcoign*, that all the Points are compleatly adjuſted, as is aforeſaid: 'Till when you ſhall detain your ſelf there, giving an Account of your Arrival to Sir *Bernard Gaſ*

Gascoign, and the occasion of your stay there: If on the one side you shall understand from the said Sir *Bernard*, that the Treaty and Project of Marriage, is Signed according to our Direction (a Copy of whose plenipotentiary Power to effect the same, is herewith delivered you) then you shall without delay proceed on in your Journey towards the Court of his Imperial Majesty, and there taking upon you the Quality of our Ambassador extraordinary, demand your publick Audience in the accustomed Forms, accompanying your Discourse therein, with those Complements that are most suitable to the Occasion, and the present Conjuncture of our Affairs; the Condition whereof, with Relation to them, shall be herewith exposed to you; but if on the other hand you understand from the said Sir *Bernard*, that new Delays are interposed in this Affair. *viz.* That the Ministers have not signed the Project in the Terms we have directed Sir *Bernard Gascoign* to do it; then you shall advertise the said Sir *Bernard* of the precise Orders we have given you, not to detain your self longer there, and according to his Answer, either to pursue your Journey on to the Court of the Emperor, or return back into *France*, dismissing your Equipage so as to lessen your Expence as far as you can; and in your return home again, you are to follow such Instructions and Directions, as you shall receive from our said most dear Brother. 1672.

III. When you shall have received an Assurance of his Imperial Majesty's entire Concurrence and Approbation of the Marriage, you shall take your leave there of him, and proceed to the Court of the Arch-Dutchess of *Inspruck*; taking along with you Sir *Bernard Gascoign* for your Assistance, in this and your farther Transactions. And being arrived there, concert with the Arch-Dutchess *Dowager* the Marrying the Princess her Daughter, in the Name of our said most dear Brother, according to the Proxy he shall give you to that effect, and in a word performing all other Ceremonies that shall be conducing to that Affair, with all regard to such an Occasion, and the value we set upon it.

IV. Being arrived at the Court of *Inspruck*, you shall make all fitting Complements to both the Arch-Dutchesses in our Name, suitable to the occasion, delivering to them our Letters; and afterwards Adjust and Concert with such Minister or Ministers, as shall be appointed to Treat with you, according to the Powers herewith given you, all the Circumstances and Ceremonies requisite towards compleating the Marriage, and the bringing the young Princess hither into *England*, with as much Speed and Convenience as an Affair of that nature will permit; advertising us from Time to Time, by expres Couriers or otherwise, of your Agreements and Progress therein, that nothing may be found

1672. found wanting on our part, to ſatisfie the World of the value we have of her Marriage with our moſt dear Brother, referring you further to thoſe particular Inſtructions and Directions you ſhall receive from him therein.

In performance of this our Ambaſſy, you ſhall take ſpecial Care of our Dignity, not yielding the Hand to any Ambaſſador of any Crowned King whatſoever; but on the other ſide avoiding prudently any unneceſſary Occaſions of Competition, not to diſcompoſe your Negotiation thereby, unleſs you are unavoidably provoked thereunto: And if in your very going or coming, it ſhall befall you to ſee any Prince of the Empire, even the Electors themſelves, you ſhall take care to ſtipulate before hand the manner of your Reception; ſo as it may not be inferior to what they have given to the Ambaſſadors of any Crowned Head, demanding eſpecially the hand of them in their own Palaces; when you ſhall be viſited in any of the Courts, by the Envoys Ordinary or Extraordinary, Reſidents, *&c.* of any Princes you ſhall deny the Hand to them in your own Houſe, it being a Rule now eſtabliſhed.

C. R.

By his Majeſty's Command.
Arlington.

The Earl arrived at *Dover* the next Day, and under a very fair Paſſage, came the Day following to *Calais*, where having ſtaid two Nights to provide for his further proceeding to *Paris*; on the 3d Day in the Morning, an Expreſs came to him from Court, bringing Letters of Aſſurance from thence and from *Germany* too, that the Empreſs was dead, and the long Treaty of *Inſpruck* broken off, by reaſon the Emperor was now reſolved to have that Princeſs for himſelf.

The Earl, had notwithſtanding Letters from his Royal Highneſs and from the Earl of *Arlington*, by the King's Command, that notwithſtanding this he ſhould proceed to *Paris*, remaining quiet there under his own particular Character, attending their farther Commands, whereby he was like to be imploy'd to procure a Princeſs that might be a fit Wife for the Duke out of ſome other Family.

His Lordſhip obey'd, and after being ſettled at *Paris* he had Advice from his Royal Highneſs, that there had been propoſed to him four Wives, with ſome of whom it was impoſſible for him to be acquainted; he did command his Lordſhip to endeavour by all the diligence he could, to get Sight and Knowlege of them, or at leſt their Pictures with the moſt impartial Relations of their Manners and Diſpoſitions.

The

The first of these was the Dutchess of *Guise*, whom 1673.
France more particularly wished to favour into this Alliance;
the next the young Princess of *Modena*, only Sister to the
then Duke of that City and Country; the third a Lady
called *Mademoiselle de Rais*; and the fourth *Mary Anne*,
Princess of *Wirtemburg*.

This was a great Trust, to the performance whereof, was
requisite both Honesty and Discretion; the first to render
him considered all the Advantages might be proposed, to
make partial the Person trusted, against the Interest and
Satisfaction of his Master. And the latter to find out and
judge what might be most Expedient and Agreeable to his
true Humour and Circumstances.

The first and latter of these did reside at *Paris*, the Dutchess
of *Guise* at her own House, and the Princess of *Wirtem-*
burg as a Pensionary in the Monastery of ——— but the
Princess of *Modena* was with her Mother in *Italy*, and *Ma-*
demoiselle de Rais at her Relations, some hundred Miles
distant from *Paris*. The Dutchess of *Guise* he saw at Court,
she was the youngest Daughter of *Gaston de Bourbon*, Duke
of *Orleans*, the King of *France*'s Unkle, but a Princess for
whom he knew the Duke had no Inclination, she not being
only low and ill shaped, but under the appearance of a fee-
ble Complexion; so as tho' she had much Reputation for
Innocence and Virtue, her Constitution did not promise a
likelihood of either many or strong Children: And that end
appearing to the Earl the chief Business of the Duke, and
of *England* too; all the Favour of *France* (a share whereof
he might have tasted from the Merit of the Recommendati-
on to this Alliance) could not induce him to promote a mat-
ter contrary to the ends of his Trust, and the Duke's Ser-
vice.

The Princess of *Modena*, *Mary d' Este*, his Lordship could
not see; but by the means of a *Scotch* Gentleman, that had
been conversant in the House of *Conti*, one Mr. *Conn*, he was
introduced into the Pallace of that Prince, whose Lady had
been one of the young Princess of *Modena*'s nearest Relati-
on, and there he saw her Picture, that had been lately sent
hither from that Court. It bore the appearance of a young
Creature about fourteen Years of Age, but such a light of
Beauty, such Characters of Ingenuity and Goodness, as it
surprized the Earl, and fixed upon his Fancy, that he had
found his Mistress and the Fortune of *England*.

An ill Picture he saw of *Mademoiselle de Rais*, but being
at such a distance that he could not know her self, or have
any perfect Relation of her Circumstances, he sought no far-
ther Incouragement after that Matter.

His whole Thoughts were turned upon the young Princess
of *Modena*, with whose Character that he might be the bet-

1673. ter acquainted, by the means of the forementioned Mr. *Co*
he got a meeting, ſuch as might ſeem accidental, wit
Gentleman called the *Abbot Rithini*, a Man that was implo
at *Paris* in negotiating the Intereſt of the Houſe of *E*
and it was in a private but commodious Place for ſuch
Interview, in the Clovſters of the great Charter-Houſe
Paris. After uſual Complements, they fell upon div
Diſcourſes, and by degrees that made it caſual, coming
Matters of *England* and the Duke's being a Widdower, w
the neceſſity of another Marriage; they talked of div
Princeſſes that the World named as proper for a Match
Illuſtrious. The Earl had occaſion hereupon to enquire
him, what Children there were in the Houſe of *Ste:*
told him only two, a Son that was the preſent Duke, a
yet a Minor, and a Daughter of about fourteen Years
Age; to whom tho' he attributed many Excellencies, yet
endeavoured to make them uſeleſs to *England*, by ſayi
The Dutcheſs her Mother, but more ſtrongly her own Inclinat
did deſign her to a Religious Life, and that ſhe did ſeem reſol
not to Marry.

This Affirmation was an extream Blow to the Hopes
Deſires of the Earl, and of which he was forced to give
Account, together with the Eſteem and great Value he
for the Character, that from all hands he had received
the young Princeſs.

But after this he was induced by the Duke's partic
Direction, to make his Acceſs to the Princeſs *Mary Ann*
Wirtemburg, that had likewiſe, as has been ſaid, been rec
mended to his Conſideration. This Lady whoſe Father
been ſlain in the War, and her Mother retiring at that t
into *Flanders*, of which Country ſhe was, did remain
Monaſtery of Ladies, in company of ſeveral others of g
Quality; and the Earl was introduced to a ſight of her
Father *Gilbert Talbot*, at that time newly entred into Or
of Prieſthood, and an Acquaintance of her Confeſſor.
was perſuaded to receive his Lordſhip by way of a V
in the manner as is uſual at the Gate of a Palace, deſig
to give the Ladies opportunity of Speech at ſeaſonable ti
with their Friends and Relations. This Princeſs who
Daughter to a Brother of the Duke of *Wirtemburg*,
under the Protection and Care of the Crown of *France*,
reaſon of the great Merit of her Father's Services, an
was believ'd would have ſtood fairer than any for its
ſtance to the preferment of this Match, if that the Dut
of *Guiſe* and Princeſs of *Modena* did not take place.
was of a middle Stature, fair Complexion, brown Hair;
Figure of her Face turned very agreeably, her Eyes G
her Looks Grave but Sweet, and in her Perſon ſhe had
Motions of a Women of Quality and well bred; but a

ll, she had the appearance of a Maid in the ripeness of her 1673.
outh, of a sanguin and healthful Complexion, fit to bring
rong Children, and such as might be like to Live and Pros-
er. Altho' there was much Modesty in all her Behaviour,
t she was not scarce of her Discourse, and spoke well,
d pertinently to every Thing.

His Lordship not being now unsatisfyed with this Inter-
ew, and believing that except the Princess of *Modena*, he
d neither seen or heard of, any thing more proper, for
at might capacitate the Person of a Wife. He began
inquire of the Fortune which might be expected with her;
t of that, altho' some concerned for her, did give out that
several ways there might be expected from her Friends
y or threescore Thousand Pounds, yet he confess'd he
ver could find any reasonable Bottom, upon which to build
h an Assurance: Yet a Marriage being his chief Business
d a probability of Children; he gave according to his
ust and the Duke's Command, the truest Character he
s able of her and her Circumstances.

His Highness hereupon having a concurring Account of
s Princess from others he had charged with the Enquiry,
well as his Lordship, seemed so satisfied with it, as he
e the Earl Orders to proceed in his Application to the
ncess; and to give hopes to her and her Friends, that
would send sudden Orders to demand her in the usual
ms. And from the earnestness of the Duke's Expressi-
, he himself did believe, he should in two or three Posts,
e been capacitated thereunto. He obey'd, and found
ry Day new Contentments in the Conversation of the
ncess, so as he doubted not, there would have risen from
Commerce, a satisfaction both as to his Master's Interest
Inclination.

ut on a sudden unexpected Orders gave a change to this
ir, an Express brought Directions to the Earl, that leav-
Paris privately which as little Company as was possible,
hould repair Incognito to *Dusseldorp*, the Residence of
Duke of *Newburg*, and that there he should try to get
ht of the Princess his Daughter, who had been earnest-
commended to his Highness, as a Princess fittest of any
is Alliance. This was believed, that it did proceed
the Service *France* did at that time expect from the
e her Father, whose Country and Troops were at that
adjacent to those Parts of *Flanders* and *Holland*, where
King had a very sharp War. And it was earnestly sup-
d by divers Persons of much Interest in the Court of
nd, who had been formerly obliged, or at present gain-
o promote the satisfaction of that Duke: But the Earl
Orders from his Royal Highness, to give him a perfect
ster of that Princess, her Person, and to what he

1673. could see of her Parts, Manners and Inclination, as h could any ways learn, with the reposition of so great Truſt, as he did assure him, if he found her not answerin the Character given her, he should have immediate O ders to return, and bring home the Princess of *Wirtembur* of whom we have spoke before.

The Earl who was nothing but Duty and Faithfulnes the Duke, obey'd his new Orders with all the diligence im ginable. He took Post accompanied only with an *Itali* Gentleman, one Signior *Varasani*, his Gentleman of the Hors and one that served him in his Chamber. He arrived two Days at *Metz*, whence he went by Water to *Cologn*, the time Sir *Lionell Jenkins* and Sir *Joseph Williamson* we Ambassadors plenipotentiary in that City. He did not i tend to have seen those Ministers, having no Orders Communicate, nor Advice to take of them; but walkin alone in the Street after his Arrival, he met Sir *Joseph* his Coach, who, without considering he was not in a cond tion to be publickly taken notice of, alighted, and Compl mented the Earl in the Street; of which unseasonable Re pect, his Lordship delivered himself by his desire, that would forbear it any farther: But after this he did private Visit those Ambassadors, but without communicating his B sines or Intentions.

He prepared there for his Voyage to *Dusseldorp*, preten ing at the House where he lay, a Curiosity to see the Cou and Habitation of a Sovereign Prince, not above —— from that City, who had the Reputation of being Wise a Generous, and to live in all the State and Order suitab to his Condition and the Greatness of his House. The Mast of the House provided him a convenient Guide, acquaint with the Town he was to see, and the Ways and Passag to it. So one Morning the Earl and his Companion Signi *Varasani*, and two Servants, embarked upon the *Rhi* and in an ordinary Boat, were carryed down the River to t Walls of *Dusseldorp*.

They were Examined at the Gate, and giving out th were Strangers brought by Curiosity to see the Place, we admitted, and by a Soldier conducted to an Inn, where th staid to repose themselves, and take their measures for a fu ther proceeding.

They thereupon sent their Guide to inquire the meth of approaching the Palace and the Prince, who brought wor there would be that Day a greater difficulty than usual, reason the Prince and Court were to be imploy'd in see an anniversary Contest among the Citizens and other Pers of that Place, which should sooneſt shoot down the Papeg or Parrot, a thing made in the similitude of that Bird, fr a very high Pole, which was to be performed with mu

Meth

Method and Ceremony; and the Victor to have the usual Reward of his Address. But that before the beginning of the Undertaking, the Prince was to be Entertained at Evening Service in the Jesuits Church with very rare Musick, to which the Dutchess and Princess did likewise resort; so as the Earl might have a fair view of them there, and what else was considerable in the Court, and that he would conduct them to a station proper for that end. 1673.

This was readily accepted by his Lordship and his Companion, who were by their Guide, placed in a fair Passage, part of a Cloyster, whereby they were to pass. After some expectation the Duke arrived, preceded with the State and Ceremony that was suitable to a Sovereign Quality; he had his Wife by the hand, the Princess followed, and a considerable Train of Ladies and Cavaliers well Dressed and in good Order. The Princess was not well to be discerned, by reason of the Hoods that were over her Face; but passing after into the Body of the Church, the Earl had a further view into a Gallery above, where the Duke sate to hear the Service.

The Office and Musick being at an end, and the Guide having acquainted some under-Officer of the Court, that two Gentlemen of the *English* Ambassadors Train that were at *Cologn*, and had come to see that Town, were desirous to have a sight of the Court, and do Reverence to the Prince; he was told that he might bring them. Then they came into the Palace under his conduct, and being met by a Gentleman in the inner Court, he took them out of the hands of the Townsman, and carry'd them up into a large Room, where after some Attendance, they were led into another, whereunto the Prince came unto them.

The Duke of *Newburgh* seemed at that time to be about forty Years of Age, of a competent Stature, well shaped, well Dressed, and of a most obliging Behavior. He had a hat after the *French* Fashion, of a grey Stuff, with Diamond Buttons, a Diamond Hatband, and a Diamond Sword; had about his Neck in a black Ribbon, hung the Order of the Golden Fleece. He did receive their Complements with such Courtesie, which they paid with all Respect, and of himself began to entertain them with divers Questions about their Journey, the Ambassadors, and Proceedings of the Treaty at *Cologn*; and afterwards insensibly fell upon *England*, the Court thereof, the Princes, and its other Concerns. He inquired concerning the Duke of *York* and his Marriage, where was Monsieur de *Peterborough*, and if he continued at *Paris* after the disappointment of the Treaty of *Inspruck*. All which Questions having been answered, he said afterwards he heard the Duke was like to be Marryed to an *English* Lady; they assured him, they heard of no such thing.

1673 At laſt he took his leave of them with much Civility, a
when he was departed, they asked the Queſtion, if th
might have the further favour of ſeeing the Dutcheſs a
the young Princeſs, who having told them, he would
quire: he kept them, and after ſome ſtay, returned to
them know they ſhould be admitted; towards which th
were carry'd, and introduced into an upper Room, wh
ſeemed to expect them, the Dutcheſs of *Newburgh*
companied with the Young Princeſs her eldeſt Daughter

The Earl made her his Complements. with the great
reſpect of which he was capable; whereunto her Highn
as he was told, in her own Language, made all ſuitable
turns; but ſaid, that not being verſed in the *French* Tong
ſhe deſired her Daughter the Princeſs, might interpret
tween them; at which the Princeſs did approach, and he
ed to carry on the Converſation, and with intention, as
thought, to ſhew her Capacity in that Language. T
had all by that time, as he had reaſon afterward to belie
ſuſpected the Earl of being ſome other Perſon, and
ving more Deſign in his little Voyage, than was
tended.

The Dutcheſs of *Newburgh* wa a Princeſs, in his Op
on, of about five or ſix and Thirty Years, of a middle
ture, light Brown Hair, enclining to be fat; great
racters of Goodneſs in her Countenance, and was ſuch a
as might be proper for a good Wife; without Qualitie
ver ſubtile or Courtly, as might be found in the Spirit
Ladies bred in *France* or *Italy*.

The Princeſs her Daughter was ſuppoſed to be ab
eighteen Years of Age, of a middle ſtature, ſhe had l
wiſe very light Hair, and was of an exceeding fair C
plexion; her Eyes were of a light blewiſh Grey, the
of her Face more round than oval, that part of her N
he ſaw, was as white as Snow; but upon the whole,
thoſe Years, ſhe was inclining to be fat. In Diſcourſe,
rendred to his Lordſhip, readily, her Mothers Senſe,
ſpoke her own aptly enough; ſhe had the appearance
one that might be proper enough for a good Wife;
that poſſibly was fit for Generation. But the great Ge
did not appear of Buſineſs or Converſation, for which
has been praiſed ſince ſhe came to ſit upon the grea
Throne of *Europe*.

After a due time, the Earl *Peterborough* did from he
alſo take his Leave, with all the Circumſtances of reſ
that were due to Perſons of that Quality: But at his
parture, he found himſelf much more attended by Ge
men, and with greater reſpect than at his Arrival: An
was preſſed to ſtay Supper by the Chief Officers of
Houſe; even to a degree of like to have it impoſed u

him. But the Reſolution of not receiving any further Engagement, made him, in the civilleſt manner he could, break thorough all that, and got himſelf at liberty to retire to his Inn; where, after he had made a very ill Supper, there came to inquire for him, under pretence of a Viſit from a Country-man, a young Gentleman, one *Hamilton*, that wore a Gold Key by his ſide, and was ſaid to be much in the Duke's favour, and of his Bed-Chamber. This Mr. *Hamilton* ſeemed to try every way, what he could get out of the Earl, and by his Diſcourſe, his Lordſhip perceived, his Proceedings had puzzled the Court; but withal, they were ſuſpicious of his ſatisfactions, by reaſon he declin'd to receive greater Favours from them than was juſt neceſſary; however he departed civilly, and his Lordſhip to his reſt. 1673

The Earl was impatient to be gone in the Morning, and having a Waggon ready (the ordinary way of travelling in that Country) he came, by Land, to *Collogn*, whence his Lordſhip immediately diſpatched an Expreſs for *England*, with the Succeſs and Account of his Journey: In Answer whereunto, his Lordſhip had immediate Orders to return with all ſpeed to *Paris*, with an aſſurance, that at his arrival there, he ſhould meet Directions to demand to Marry, and to bring home, the Princeſs *Mary Ann* of *Wirtemburg*.

As has been ſaid, there were a great Party in the Court of *England*, engaged to promote the Marriage of *Newburgh*; but there was another that mov'd ſtrongly to promote Mademoiſelle *d'Elbeuf*, Daughter to the Duke of that Name, who was a Cadet Prince of the Houſe of *Lorain*, which was the Dutcheſs of *Portſmouth*, who was then, and continued to his End the Favourite Miſtreſs of King *Charles* the *2d*: And ſhe, who wanted neither Cunning nor Counſel, conſidering the tranſitorineſs of Human Condition, and particularly of Human Affections; and not knowing how ſoon her Retreat might be neceſſary into her own Country, did wiſely endeavour to oblige therein, and make all the Friends ſhe could: So to engage the Houſe of *Lorain* and *Bouillon*, ſhe had wrought with the King, not only to conſent to the Marriage, but to order the Earl of *Peterborough* to ſee the Lady, and to ſend him his Opinion thereof. And to this, if it had been any way adviſable, his Royal Highneſs himſelf would not have been averſe, from the partiality he ever had to the Houſe of *Bouillon*, and particularly to *Monſieur de Turenne*, whoſe Niece the Lady was. But in truth, ſhe was ſo very young, not having fully attained Thirteen Years, and ſo little a Woman of that Age too, as then it was really repreſented, it was found wholly improper for the Duke's Circumſtances, and the Buſineſs of *England*;

1673 *land*: But to favour it, ſhe and her Creatures had, in the mean time, done what they could to detract from the Princeſs *Mary Ann* of *Wirtemburg*; to whom, notwithſtanding from the firſt Impreſſions he had received, he ſtood ſo well inclin'd, as by the Return of the next Expreſs, after the Account of the Princeſs of *Newburgh*, he commanded the Earl to go back in diligence to *Paris*, where he aſſured him he ſhould meet all the Orders neceſſary to bring away that Lady.

The Earl obeyed with much ſatisfaction, and eſteeming this, next to the *Italian* Allyance, the moſt ſuitable of any that had been propoſed; ſo, with all the haſte he could, he came to his firſt ſtation, and not doubting of the performance of what had been ſo earneſtly aſſured, he lighted at the Monaſtery where the Princeſs *Mary Ann* lived, as ſoon as he came to *Paris*, and acquainted her with the Orders he had reaſon to believe, did attend him at his Houſe; after the receipt of which, he ſhould have but to call to her (as he ſaid) his Miſtreſs, and pay her the Reſpect due to the quality that did attend it: He could not but confeſs the Moderation, which in other things did appear in her Temper, was not great enough to conceal her Joy upon this occaſion; and ſhe was not to be blamed, conſidering the proviſion it would have been for an Orphan Maid to Marry a Prince ſo great, both in the Circumſtances of Fortune and Merit; but after he had taken his leave and returned home, with what reverſe of Fortune did he meet!

The Agent that did at that time negotiate, in abſence of the Ambaſſador, was ordered to watch the Earl's approach to *Paris* that he might deliver his Letters with new Orders, to him before he arrived, thereby to obviate his communication to the Princeſs of the laſt he received at *Cologn*, before he could be fore-warned or forbidden; but by neglect, or taking a wrong way to meet him, the Earl had ſeen her, and made her Complements upon the Orders he had ſo great reaſon to expect, before he could receive his new Directions: So as coming home, and being there ſaluted by his unwary Miniſter, he received from his Hands, ſuch Letters as quite changed all his Methods, by the total forbidding to proceed any further in Treaty, or demand of the Princeſs of *Wirtemburgh*, and directing him to expect Inſtruments and Inſtructions by the following Poſt, to proceed with all haſte to *Italy*, to demand, according to Form, the young Princeſs of *Modena*.

This laſt Order reducing the Earl to his firſt Opinion and Inclination, did comfort him againſt the diſſatisfaction of ſo uncertain and Changeable a proceeding; he found a way to acquaint the Princeſs *Mary Ann*, with the unexpected change in the Fortune that was deſigned her; and

turne

turned the event upon the Reſolutions of State-Miniſters, from the Duke's changeableneſs, or any diſſatisfaction taken from her Character. Much ado there was to appeaſe a Mind diſappointed to that degree; and there were of thoſe to whom ſhe had ſeemed a Rival that forbore not to rejoyce, if not to inſult upon this Reverſe of Fortune: But at laſt, ſhe was forced to appeaſe her Diſcontent, and tho the Earl durſt ſee her no more, yet he wiſhed her much Happineſs, as ſhe did deſerve in any other proceeding. 1673

His Lordſhip was, after this, employed in preparation for his Voyage to *Modena*, expecting in a Poſt or two, the Neceſſaries which ſhould enable him to proceed in that Negotiation: In ten Days they arrived to his Hands, with particular recommendation from the Duke his Maſter, to uſe that expedition and diligence, which was alone capable to eſtabliſh his Marriage, beyond the Contradiction or Diſſolution of a Parliament; which it being now the Month of *July*, was like to ſit in *November*; and if it were not before that, paſt obſtruction, would leave no ſtone unturned, that might contradict or hinder any Catholick Allyance.

As for his Inſtructions both from the King and Duke, in the proſecution of this Match, they were theſe that follow.

Inſtructions for our right truſty, and right well beloved Couſin, Henry *Earl of* Peterborough, *our Ambaſſador Extraordinary to the Court of* Modena. *Given at our Court at* Whitehall, *July the* 30*th.* 1673.

CHARLES R.

THE occaſion failing, upon which we lately inſtructed you, in the Quality of our Extraordinary Embaſſador to the Court of *Vienna*, *Viz.* The effecting a Marriage between our moſt dear Brother, *James* Duke of *York*, *&c.* and the young Arch-Dutcheſs of *Inſpruck*; and our ſaid dear Brother deſiring us now to conſent to his Marriage with the young Princeſs of *Modena*, *Mary d'Eſte*, Siſter to the preſent Duke of *Modena*; we have thought fit hereby, to enjoin and direct you to make what convenient Speed you poſſibly can, to the Court of the ſaid Prince, and introducing your ſelf there by your Letters of Credence, which we herewith ſend you, to an Audience with the Dutcheſs Regent; and after the Performance of ſuch Complements to her on our part, as will beſt occur to you upon the Subject, open unto her our Brother's earneſt deſire, to eſpouſe the young

1673 young Princeſs her Daughter; declaring withal, the ſufficient Authority you have to effect the ſame, by Vertue of thoſe Powers you will herewith receive from us, and our ſaid moſt dear Brother: And deſiring of her to appoint you ſome Miniſters, with whom you may adjuſt all Circumſtances, as well relating to the Marriage, as the bringing the Princeſs hither: Accordingly you ſhall ſtipulate and agree, on ſuch Conditions and Articles with them, for the payment of the young Princeſs Portion on their part, and for the eſtabliſhing a Jointure on ours, as you ſhall be more particularly inſtructed therein by our ſaid deareſt Brother, who ſeems to be willing to ſettle a Jointure of 15000 *l. per Annum*, ſterling Money of *England*; and even to enlarge himſelf further therein, if the value of her Portion (hitherto not certainly known to us) ſhall require a better, and further Secure in this Clauſe by referring it and the time for the payment of her Portion, to the Arbitration of the Moſt Chriſtian King, as a neutral Perſon betwixt the Parties; in caſe you do not find it eaſie for you, finally to conclude theſe points your ſelf. Theſe Capitulations being thus finiſhed, you ſhall proceed to eſpouſe the Princeſs in our Brothers Name, according to the Deputation and Proxy he will ſend you to that effect; and when that Ceremony is over, adjuſt with the Dutcheſs Regent, or her Miniſters, the manner of bringing the young Princeſs hither, which we ſuſpect (for the avoiding many troubleſome and chargeable Ceremonies) ſhe will chuſe to do incognito; conſequent to which, you ſhall leave to them, the defraying the expence thereof as far as *Paris* or *Calais*, whither our ſaid Brother will reſolve to ſend a part of his Houſhold, to receive and entertain her at his Charge, until ſhe arrives in our Court; aſſuring the Dutcheſs Regent, and the young Princeſs too, of all poſſible Evidences on our part, of our tender Care and Affection to her, agreeable to the quality of her Perſon, and the Love we ſhall ever bear her as our Brother's Wife. Now, tho it be unuſual to ſend Ambaſſadors Extraordinary, to a ſingle Prince of *Italy* of that Sphear, yet we have condeſcended unto it, to honour our moſt dear Brother's Choice of this Princeſs for his Wife: But that on the other ſide, our own Dignity may not ſuffer thereby, you muſt be careful at your appearance in that Court, to ſtipulate and adjuſt the manner of your Reception there, to the full extent of ſuch Ceremonies, as have been given to the Ambaſſadors of *France* and *Spain*, that have ever appeared there, and particularly thoſe given to the Duke de *Noailles* when he conducted thither a Wife to the late Duke. You ſhall not fail to give us timely notice of all your progreſs and proceedings herein, by the Hands of one of our Principal Secretaries of State; that if need be, we may tranſmit

to you our further Inſtructions and Directions, for the better performance of this important ſervice. Given at our Court at *Whitehall*, *July* 31. 1673. In the 25th Year of our Reign. 1673

By his Majeſties Command, C. R.
Arlington.

James *Duke of* York *and* Albany, *Earl of* Ulſter, *&c.*

Inſtructions for the Earl of Peterborough *in his Extraordinary Embaſſy, touching my Marriage with the Princeſs of* Modena.

I. YOU are, in purſuance of his Majeſties Commands and Powers to that effect, to make what ſpeed you can to *Modena* (or elſe where that Court ſhall be) and there having obtain'd Audience of the Dutcheſs Regent, Duke and Princeſs his Siſter, and preſented your Credential Letters from his Majeſty and my ſelf (which ſhall be ſent you herewith) you are to profeſs to them, the earneſt Deſires I have of marrying that young Princeſs, and the great Affection I have conceived of her Perſon and Vertues, with ſuch other Expreſſions as you judge proper for the Occaſion.

II. You are to apply your ſelf to that Court, and the Miniſters there in ſuch ſort, as to expedite all you can, the concluſion of this Treaty of my Marriage; to which end, in ſtipulating the Conditions for payment of the Marriage Portion, whether as to the ſame it ſelf, or as to the times and methods of payment: In caſe you find any Difficulties therein, you are to refer them to the determination of the moſt Chriſtian King, who being a neutral Perſon between the Parties, and a Friend to each, will adjuſt this point to the mutual ſatisfaction of both.

III. You are, as a particular mark of my Eſteem of the young Princeſs, to offer for her Jointure (in caſe ſhe ſurvive me) the Annual Rent of 15000 *l.* Sterling, payable quarterly, and to be given out of the whole Revenue, and to be ſecured according to the beſt and moſt effectual Forms, uſed in the common Laws of *England*; at the ſame time aſſuring the Dutcheſs Regent and her Miniſters of my willingneſs to augment this Penſion, according to the proportion of what her Portion ſhall be adjudged to exceed it in value, by the determination of the moſt Chriſtian King,

IV. When

1673. IV. When you ſhall have contracted the Princeſs in my Name, you are to preſent to her, as a Token of my Eſteem, ſuch part of my Jewels in your Cuſtody, as you ſhall judge convenient; and on the Morning of the Day for performing the Solemnity of the Marriage, you ſhall preſent her with the Remainder of my ſaid Jewels, as a farther pledge of my Affection and Satisfaction of what you have done for me.

When the Marriage Ceremonies are performed, you ſhall with all convenient Speed, conduct the Princeſs at the Charge of the Court of *Modena*, to *Paris* or *Calais* either (if it may be) and for avoiding many troubleſome and expenſive Formalities, it will be adviſable that ſhe come Incognito. But for the better adjuſting this point likewiſe, you are to conſult with the *French* Miniſter upon the place, who will be fully Inſtructed therein.

At the ſame time that the Princeſs ſhall arrive at *Paris* or *Calais*, which you are to ſignifie to me before hand, as ſoon as you can compute it exactly; I ſhall order out of the Officers, and others of my Houſhold, a ſuitable Retinue for her, to be aſſiſting to her there, and wait upon her hither; always ſuppoſing you will do your utmoſt to inculcate to the Princeſs her ſelf and the Miniſters there, the great Inconveniences that would follow, her being attended with too numerous a Train of Foreigners, who are ſeldom ſo uſeful here as Natives, and are obnoxious to Cenſure upon any Miſcarriages; but becauſe this point is ſuch a one, as may better be handled by the *French* Miniſter, you ſhall herein uſe his help.

VII. In all things touching this matter, whether expreſt here or omitted, you are to Conſult likewiſe the Inſtructions you ſhall have received from his Majeſty on this Occaſion; that by comparing both, you may be the better guided in what you are to tranſact.

VIII. You are to loſe no opportunity of giving me (or my Secretary) conſtant Advice of your Proceedings and Progreſs, as well for my own Information, as for your farther Direction, If any new Matter occur, not at preſent foreſeen.

Finally, His Majeſty having left it to me, more particularly to direct you the beſt I can in the performance of this Service, ſo as it may ſpeedily take effect to my Satisfaction, I cannot think it will be brought to paſs, if you carry with you a Train or Equipage, anſwerable to your Character of Extraordinary Ambaſſador, *viz.* Coaches, Horſes, Footmen, and many other Officers proportionably: My Opinion therefore and Direction is, that you go Poſt to *Modena* by the way of *Lyons* and *Turin* Incognito, with ſuch a Train as is ſuitable to that way of Travelling, and yet with as much regard to the Dignity of your Ambaſſy as may be, *viz.*

A com-

1673.

A competent number of Gentlemen, Pages and other ordinary Servants as are convenient for you; dividing which by ſeveral Companies, they will never be far behind you, eſpecially at your Arrival in the Court of *Modena*, where 'tis only neceſſary they ſhould be ſeen with you. And arriving there you muſt without delay, enter into a Conference with him that is the Miniſter of the moſt Chriſtian King, under what Character ſoever he be there, and imparting to him freely the ſcope of your Errand, adviſe with him and uſe his Aſſiſtance, in obtaining and adjuſting for you ſuch things as may facilitate all the Ends thereof, as well for your own Dignity and Convenience, as the ſpeedy Accompliſhment of the Marriage, and all the Circumſtances depending thereupon.

When the Marriage ſhall be over, and that you have adjuſted alſo the manner of the Princeſs coming into *France*, (which Journey I think will moſt conveniently be performed by Sea to *Marſeilles*, whither the Gallies of the moſt Chriſtian King will be ordered to bring her, and whither you muſt attend her) I will that then or before, you diſmiſs moſt of your Retinue, leaſt their Attendance may not conſiſt with the Figure, the Princeſs may probably deſire to take of Travelling Incognito, or embaraſs you in the Conveniences of your Journey; retaining only as many as will fill one Coach, and that follow her all the way, until ſhe arrive at *Paris* or *Calais*, at one of which Places my Servants ſhall be appointed to attend upon her; and then you ſhall be ſure of receiving new Orders from me. Given under my Hand and Seal at St. *James*'s, the firſt day of *Auguſt*, one Thouſand ſix Hundred ſeventy three.

James.

By the Command of his Royal Highneſs.
Jo. Werden.

This done, he diſpatched away his Train and Equipage under the Conduct of his Officers, and himſelf took Poſt, with Intention of giving a ſudden end to this Affair. It had been hinted to him, that he would find no difficulty in his Undertaking; all things having been prepared by the Power and Offices of the King of *France*, in whoſe Intereſt the Princes of this Houſe had of a long time been; and that Monarch finding the Match with his Couſin not like to take, nor the other of the Princeſs of *Newburgh*, did not think it adviſable to let his Royal Highneſs eſcape into the Alliance of any Family unfavourable to *France*; and therefore he uſed all the force of his Councels and Perſuaſions to make this Marriage ſucceed.

The Earl then received Wings from the Intereſt and Commands of his Maſter, and came to *Lyons* in three Days.

But

1673. But he was no ſooner entred into his Inn, and began to repoſe himſelf, believing from the care he had taken to be concealed, and his little Equipage, that he was there wholly unknown, when a Servant of the Inn brought him word, there were two Gentlemen below that deſired admittance to ſpeak with him on the part of the Dutcheſs of *Modena*. He could not refuſe to ſee them, not knowing upon what Account they came; and upon their approach they delivered his Lordſhip a Letter, ſigned by one *Nardi* that ſtiled himſelf a Secretary; wherein he wrought to acquaint his Excellency, that they had heard of his Intentions to come into thoſe Parts, in order to Treat of a Marriage with the young Princeſs of *Modena*; but the Dutcheſs knowing her Daughter's Intentions to be entirely againſt any Obligation of that kind, and that ſhe was perfectly ſetled in the Reſolution of taking upon her a Religious Life, ſhe thought it reaſonable to give him timely Advertiſement thereof; that the King his Maſter not being unacquainted therewith, might deſiſt from expoſing himſelf or his Lordſhip, by purſuing a Deſign, which tho' it was very Honourable and Advantagious to her, her Daughter and the Houſe of *Eſte*, yet was unpracticable and no ways to be brought about.

The Earl's Surprize was infinite upon this occaſion, but he thought it moſt prudent to ſeem amazed at the cauſe of ſuch a Letter, and to diſown to theſe Perſons any Concern of that nature, or Orders to proceed in the Buſineſs they did ſurmize. He told them, he was a private Traveller that came upon his own account, only to ſatisfie his Curioſity, and the deſire of ſeeing *Italy*, ſo as there was no occaſion for her Highneſs or any others, to concern themſelves in his Motions.

The Gentlemen departed, and the Earl gave immediately an Account to the King and the Duke his Maſter, of what had hapned, and the Diſcouragement he had met: And tho' he directed his Servants and Equipage to remain at *Lyons* till further Orders; yet he reſolved himſelf to proceed as far as *Turin*, where reſided an Ambaſſador of *France*, who had the Reputation of Preſiding over the *French* Affairs in *Italy*, to whom he might communicate what had hapned; and to take ſome Meaſures with him about his farther Proceeding.

He repaired immediately to the Ambaſſador's Houſe after his arrival in that City; and enquired of him whether he had any Orders to aſſiſt him in the Affair in queſtion, wherein the World eſteemed the King his Maſter the chief mover? The Ambaſſador aſſured his Lordſhip, he had never been made acquainted with that Buſineſs, and that if his Maſter were concerned in it, it was likely he deſigned to ſend ſome Man of Quality on purpoſe, who would be particularly

ticularly Inſtructed in the Management thereof. But he ſaid, 1673.
that to his particular ſurprize, he had two Days before received a Letter from the Dutcheſs of *Modena*, wherein ſhe pray'd him, that if his Lordſhip came to *Turin*, and did Confer or Advice with him upon that Matter, he would ſignifie to his Lordſhip an Impoſſibility of accompliſhing it, for the Reaſon which had been before expreſſed, in the Letter which his Lordſhip had at *Lyons*, received from *Nardi*.

This ſecond appearance of an averſe Proceeding began very much to diſcourage the Earl, and as he had given an Account thereof to the Court, he was in doubt what to do, or how to make any farther Advances. But the *French* Ambaſſador, who tho' unimploy'd in this Affair, did now believe his Maſter much concerned in bringing it about, adviſed the Earl to a little Patience, and that continuing the pretence of a caſual Traveller, he would advance his Journey down the *Po* to an agreeable City called *Plaiſance*, where he might find occaſion to remain, and Entertain himſelf till he had further Orders.

The Earl followed his Counſel, arrived at the Place agreed on, and lodged himſelf as convenient as he could, to the appearance of a private Traveller; bnt for all his Caution, the ſecond or third Day after he came to *Plaiſance*, one of the Servants brought him Word one Morning, how there was a Gentleman deſired the favour of being admitted to him, who came from the Dutcheſs of *Modena*. The Earl ſent immediately to haye him introduced, and it proved the ſame *Nardi* himſelf, who had written the firſt Letter to his Brother at *Lyons*: He had the appearance of an ingenious Man, who ſpoke well and was practiſed in all *Italian* Civilities. He preſented now to his Lordſhip a Letter from the Dutcheſs her ſelf, wherein ſhe wrote, That having heard of his Journey into thoſe Parts, with the Ends and Cauſes thereof, ſhe thought it her part, before a great King and his Miniſter ſhould expoſe themſelves in the Demand of a thing which could not be accompliſhed, out of Reſpect to them to manifeſt the reaſon of it; that ſhe might be excuſed from ſeeming any ways the cauſe of their Diſſatisfaction. There was likewiſe in her Letter, repeated what was contained in hers to the *French* Ambaſſador, with ſomething more; but to all ſhe added, That indeed there were other Princeſſes beſides her Daughter, to one of which if the King his Maſter did think fit, it was poſſible he might be admitted to addreſs himſelf: And however in the mean time, if his Lordſhip would come and divert himſelf in that Court, ſhe ſhould eſteem her ſelf favoured by his Reception, and he ſhould be very Welcome.

The Earl after having excuſed himſelf to the Dutcheſs, from the Trouble his coming into thoſe Parts, ſeemed to cauſe unto her Highneſs, and thanked her for the Honour

ſhe

1673 ſhe did him in the reſt, with a fair excuſe. He told her again, There was no cauſe for the firſt, becauſe he was but a private Traveller, without Deſign or Orders to diſquiet any Body with Pretences that were not agreeable to them, nor indeed with any of that nature; which might anſwer the better alſo. So *Nardi* returned with a ſeeming ſatisfaction at that time. But the next Day his Lordſhip received a Letter from the *French* Ambaſſador at *Iurin*, whereby he acquainted him, that there was now by the King of *France*'s Order, upon the way, the Marqueſs of *Angeao*, deſigned by his Majeſty to come with moſt preſſing deſires to the Dutcheſs, for a Conſent and Concluſion of this Match, and to aſſiſt his Lordſhip with all the Offices and Endeavours imaginable. This did much ſatisfie the Earl, if on the neck thereof, there had not an Expreſs come out of *England* to aſſure him of the ſame, as to the part of the Marqueſs *d' Angeao*, but withDirection that when he came, inſtead of the young Princeſs from whom they took it, all the Difficulties did ariſe, they ſhould demand an Aunt of hers, which in all manner of Circumſtances was inferior to her, and from divers Conſiderations improper for the Duke's Occaſions. This ſudden change in the Affair, did infinitely mortifie the Earl, whoſe Head turned round under this variety of Uncertainties; but he had but to Obey and be Patient. And now ſome Days after came *Nardi* again with new Complements from the Dutcheſs, and Expreſſions how glad that Court ſhould be if the Honour that was ſuppoſed to the Daughter, might be transferred on any other Princeſs of that Family (for it ſeems they had been informed, that ſomething of that kind had been liſtned to in *France*) The Earl that was in expectation of his *French* Aſſiſtance who was not yet near, continued ſtiff upon his firſt Guard, owning no Orders at all; but alledged the cauſe of his ſtay to be a little Indiſpoſition, which he expected ſhould ſoon paſs; and returned the Dutcheſs his Duty and humble Thanks for the honour of her Civilities.

About a Week after this, another new Expreſs came out of *England*, countermanding again the laſt Directions, and aſſuring the ſudden Arrival of Monſieur *d' Angeao*, who was to uſe the uttermoſt Power of the King of *France*'s Mediation, in demand of the Princeſs's Daughter, and no other. Whereof if at laſt they ſhould come to fail, the Earl was then commanded to return to *Paris* without any farther Delay.

Accordingly about a Week after the Marqueſs of *Angeao* came, and the Morning of his Arrival, haſted to Viſit and Complement the Earl at his Lodgings, acquainting him that his Commiſſion was to aſſiſt him in his Negotiation, with the Offices of *France*, which he would improve with his

Indu

Industry. This Marquess was a Man of good Appearance, very Cunning, and bred to all the Arts and Confidence of Courts. It was soon concerted between them, that this Envoy should go first to *Modena*, having had some Acquaintance with that Dutchess, when as one of the Cardinal's Nieces she remained in *France*; and there try the Power of his Reasons and Persuasions, to which if the Dutchess proved inflexible, the Earl from the knowledge thereof, might return without either exposing himself or his Character; and if he did succeed, it would make way for his Lordship to declare his Pretences, to assure his Character, and be received into that Court with the Honour and Respect due to his Dignity and Business. 1673.

The Marquess departed next Morning, and with such Dexterity, did demonstrate to the Princesses of that House their true Interest, both in constantly deserving the Protection of the King his Master and the Alliance of *England*, that all the Court and Council became desirous of it, except a cunning Jesuit that was Confessor to the Dutchess, and indeed her chief Minister, one Father *Garimbert*, that was a Subject born of the Duke of *Parma*, and always much influenced by that Family. This *Garimbert*, whether it were that he desired to make the Match with the other Princess, who was Daughter to a Lady of the House of *Parma*; or else that he was engaged (as some did suspect) to cross this Match at the serious Desire of that Family, who thought so Royal an Alliance would advance a neighbour Prince in Honour and Power, above that Ballance whereunto they wished it should be kept unto their own, *Italian* Princes being not only very Jealous and Emulous of their Neighbours, but Subtil too; he did all he could to make averse unto it, both the Dutchess and the Princess her self.

But the reason of the thing was so strong in it self, as at last it did over-rule the Dutchess, and all that were concerned in her Service and Councils. The Marquess of *Angeao* wrote then to the Earl, how all Difficulties being overcome, he might now take off the Mask and advance to *Modena*, where his Addresses would be received; and the Dutchess wrote to him also to the same effect, with all the respectful invitation that was suitable. They declared, there remained now only one Difficulty, which was in obtaining a Dispensation from the Pope, for Celebration of a Marriage with a Catholick Princess, to a Prince not declared of the same Religion; of which nothwithstanding they did not seem to doubt. But the Earl not knowing the Delays, or even the Rupture that might proceed from this Pretence, refused to appear publickly in that Court, till that Difficulty were overcome; but consented to come privately thither, where he might incognito See and Converse with the Princesses and

1673 their Miniſters: The Abbot of *Angelo*, Brother to the Marqueſs, being gone to *Rome* to negotiate the Diſpenſation with the Pope, and the Cardinal Nephew in the mean time.

His Lordſhip advanced then privately to *Modena*, and about a Mile out of Town was met by *Nardi* the under Secretary with a Coach and ſix Horſes, into which the Earl being received, he was carried into the City, and ſet down at the Pallace of ——— who was Brother to the Biſhop of *Modena*, of which he was put in poſſeſſion in the Name of the Dutcheſs, there to remain 'till his Lordſhip ſhould think fit to appear in publick, and aſſume his Character.

The Earl did expect to have had a Houſe, where he might have lived at his own expence, and under the Care and Government of his proper Officers; but he found there ſeveral Apartments all nobly furniſhed, for himſelf and the reſt of his Followers, according to the quality of every Man; and each Office full of the Dutcheſs's Servants, with Proviſions ſuitable for keeping a Noble Houſe; and at the time of Supper, there was a Table for himſelf, another for his Steward and ſuperior Attendance, with a third for Liverymen and others, all nobly provided with that plenty and magnificence, as at firſt did not pleaſe his Lordſhip, ſeeming contrary to his Intentions of being private, and giving cauſe of Diſcourſe to Men, of a proceeding that was not ordinary.

The Earl told *Nardi*, that this was contrary to what he deſired; but he replyed, That tho the Dutcheſs, in publick, at his Lordſhip's Inſtance, omitted the paying the reſpects that were due to him, yet ſhe was not tyed from ſhewing him her own way, in all the Accommodations that were neceſſary to his living and ſubſiſtance, wherein he would have found it difficult, his Servants being Strangers, and wanting the advantage of the Language.

In the mean time, the Abbot was at work in his Negotiation at *Rome*, to procure a Diſpenſation: The Earl was received *incognito* to the ſight and Converſation of the Princeſs; he was led thither by *Nardi* alone, who fetched him up to the Pallace in a private Coach, and by a back way led him into an Apartment, where he found the Dutcheſs ſtanding with her Back to a Table, whom he approached with the reſpect that was due to a Sovereign Princeſs in her own Houſe; ſhe received him likewiſe with much courteſie, and Chairs being ſet, the Earl began to expoſe the true Cauſe of his coming, and how he was ſurprized to find a difficulty in a thing the World judged to be ſo advantagious to all the Parties: The Dutcheſs did ſeem to excuſe her ſelf much, upon the averſion her Daughter had to a marryed Life, and the great deſire ſhe had to be religious: She ſaid likewiſe

likewiſe, that the Princeſs was young, and of a Conſtitution not very ſtrong; and that beſides, the *Italian* Princes depending much upon the Reputation of Zeal for the Catholick Religion, there would be difficulty in obtaining a Diſpenſation for an Alliance, with a Prince, tho never ſo great, that was not declared of the ſame Church, let the Opinion of his Faith be what it would: To every particular of theſe, his Excellency anſwer'd what he thought proper, and ſo as her Highneſs confeſſed to have appeaſed the greateſt difficulties of her own Thoughts; and ſo much, that if the Abbot's Negotiation in obtaining the Diſpenſation did prove ſucceſsful, ſhe knew not but that they might proceed to an happy concluſion. This firſt Converſation ended with the Earl's deſire, of being favour'd with a ſight of the young Princeſs, whoſe poſſeſſion he had ſo long thought neceſſary for his Maſter's Happineſs, and the Dutcheſs having promiſed it for the ſucceeding Evening: So he retired home in the ſame manner and way as he arrived. 1673

But now from *Rome* there was Advice, by the Abbot of *Angeao*, of great Difficulties that aroſe in the conſultation of this Affair. The *French* Ambaſſador, the Duke d'*Eſtree*, favoured the Marriage with all the Power of the *French* Faction; ſo did the Cardinal *Barbarin*, and the other Friends and Allies of the Houſe of *Eſte*; but the Pope himſelf was very averſe, and Cardinal *Altieri*, who was the governing Nephew, a profeſt and violent Oppoſer.

Various Pretences were already for excuſe of this Obſtinacy, but the true Cauſe was the Jealouſy of the See of *Rome*, concerning any increaſe of greatneſs to the Houſe of *Eſte*; and ſo conſiderable a part of its State and Riches reſting upon the violent Uſurpation of the Dutchy of *Ferara*, and other Lands belonging to thoſe Princes; ſo as the ſet Intereſt of Religion apart, the Popes and their Nephews do conſider this Family as the leaſt their Friend of any other in *Italy*: And do believe if the Alliance to any Royal or Potent Houſes, ſhould by their Support, offer them a fair occaſion of recovering their Dominions, they might be induced to uſe other means than *Lacrymæ & Preces* to recover their own, even from the Succeſſor of St. *Peter*.

It ſeemed time then to preſs on this Affair to a Concluſion, wherefore the Earl, againſt that Night, did deſire again that he might ſee the Princeſs, to which purpoſe, he was, at the time appointed, conducted up to the Pallace, as he was before, and found the Princeſs with her Mother. He did approach her with the Reſpects he thought due to his future Miſtreſs, and having made the Complements that were proper, he asked her pardon, if he was made an Inſtrument to diſcompoſe her Quiet, and in part to croſs her Inclination, but he thought before, from the ſight of her

1673 Picture, and was now much more confirmed in the Opinion, by the view of her ſelf, that it was the only way to make happy a Prince whoſe Love and Application, when ſhe came to know him, would be well able to make her amends for what ſhe might now in ſome meaſure eſteem a Sufferance.

She Anſwer'd with a little fierceneſs, that ſhe was obliged to the King of *England* and the Duke for their good Opinion; but ſhe could not but wonder, why from ſo many Princeſſes of more Merit, who would eſteem that Honour, and be ready to embrace it, they ſhould perſiſt to endeavour to force the Inclinations of another, for whom it was impoſſible to agree to a Propoſition of that nature; and that had vowed her ſelf, as much as was in her Power, to another ſort of Life, out of which ſhe could never think ſhe ſhould be happy. She deſired his Excellency, and even as he thought, with Tears in her Eyes, that if he had Intereſt in his Maſters, he would oblige her, by endeavouring yet to divert any further Perſecution of a Maid, who had an invincible averſion for Marriage: There were Princeſſes enough, ſhe ſaid, in *Italy*, and even in that Houſe, that would not be unworthy ſo great an Honour, and that from the Eſteem they might have thereof, would deſerve it much better than ſhe could.

The Earl began to be a little concern'd at Expreſſions he thought ſomething too earneſt, in oppoſition of what he deſired: He told her then, he begged her pardon, if he could not obey her; he might have been induced to it before he ſaw her, but it was now impoſſible. He could not believe, from what he did perceive of her, that ſhe was made for other end than to give Princes to the World, which ſhould honour it with Characters of high Vertue and Merit; that his Country had need of ſuch, and he would now hazard the offending her, by perſiſting in his demand; ſince if he did incur her Indignation, he was ſure at laſt, ſhe would not own it, becauſe it would prove to be, for making her one of the happieſt Princeſſes in *Europe*.

The Princeſs *Mary* of *Eſte* appear'd at this time, to be about fourteen Years of Age, ſhe was tall and admirably ſhaped, her Complexion was of the laſt fairneſs, her Hair as black as Jet, ſo were her Eye-brows and her Eyes, but the latter ſo full of light and ſweetneſs, as that they did dazzle and charm too: There ſeemed given unto them from Nature, Sovereign Power, Power to kill and Power to ſave; and in the whole turn of her Face, which was the moſt graceful that could be framed, there was all the Features, all the Beauty, and all that could be great and Charming in any Humane Creature.

This Princeſs ſeemed unſatisfied for all he could ſay, and

of the Earl's perſiſtance, but ſaid no more, and retired with the Dutcheſs after the end of the Converſation. The next Day his Excellency complained to *Nardi*, of her Highneſs's proceeding, expreſſing diſſatisfaction, that having been kept in hand, on pretence of the Abbot *Angeao*'s negotiation for the Diſpenſe, he found now a greater Difficulty would ariſe when that was done, which was obtaining a conſent from the Princeſs, to which, ſo lately, ſhe did expreſs ſo much averſion: He told him, he ſhould not find that ſtrange, nor be concerned, ſince the Ladies of *Italy*, when it came to be in earneſt, were to have no Will but that of their Friends, and the Mother ſatisfy'd, ſhe would be ſoon brought to a more dutiful matter, if ſhe thought fit. The Earl then began to declare, that time drew on, and the meeting of the Parliament came near, to which he was much circumſcribed in his Affairs, and he was obliged to come to a ſudden Concluſion or depart. 1673

Upon notice whereof, the Dutcheſs ſent him notice next day, of greater hopes of the young Princeſs's Concurrence, whom, ſhe ſaid, had been preſſed by the Duke her Brother, and all her Friends, ſo as upon the Arrival of the Diſpenſe, ſhe hoped he ſhould be ſatisfy'd: In the mean time, the Treaty did proceed about the Portion, which was to be fourſcore Thouſand Pounds, to be paid at ſeveral times according to Agreements; with Conditions of Joynture, Maintenance, and other matters; and upon theſe things, there was not any Diſagreements.

But now at laſt came the Abbot of *Angeao*, without the Diſpenſation, which he could not by any means obtain, by reaſon Cardinal *Altieri* was inflexible, and Threats of Excommunication were to be iſſued to any who ſhould undertake to perform or celebrate that Mariage. Hereupon they were all upon the Fears and Expectations of a total Rupture. The Dutcheſs her ſelf, a zealous, if not a bigot Woman, was in great Pain about the part that might ſeem offenſive to the Pope, or neglective of his Authority; and the Princeſs took occaſion from hence, to ſupport her unwillingneſs: But in truth, Cardinal *Barberini*, on whom the Dutcheſs had great dependance, and the other Adherents and Relations of the Houſe of *Eſte*, being every day more and more poſſeſſed of the Intereſts they were like to find in this Allyance, were ſcandaliz'd at the unreaſonable Obſtinacy of the Pope and his Nephew, and did frankly adviſe the Dutcheſs of *Modena*, ſuddenly to make up and perfect the Marriage; the Peace and excuſe of the thing being eaſier to be had after it was done, than any preſent Licenſe to be had for doing it.

The Biſhop of *Modena* was then applyed to for the performance, but he refuſing, a poor Engliſh *Jacobine* was

1673 found, Brother to *Jerom White*, that afterwards ſerved the Dutcheſs, who having nothing to loſe, and on whom the terror of Excommunication did not ſo much prevail, did undertake it.

The Princeſs then at laſt gave her ſelf up to the Will of her Friends, and his Excellency had liberty to viſit her Highneſs in her own Apartment. The Earl, inſtead of making a publick Entry, which the little preparation he had made, by reaſon of his being *incognito*, would not well admit, was, notwithſtanding, in the nobleſt manner that Place was capable of, brought to his Audience of the Dutcheſs Regent, and the young Duke her Son, who was but twelve Years old, by the Prince *Renaldo* of *Eſte*, the young Duke's Unkle, and all that were great and conſiderable in that Court; and indeed, the Ceremony, Attendants, State, Guards and other Appurtenances, were in that Order and Magnificence, as might have become a Prince of far greater Revenue and Territories, and herein all the marks of Sovereignty did appear, which are uſual with Princes who are independant but of God: He delivered the King his Maſter's Letter to their Highneſſes, in the uſual Form, and after having made a Speech ſuitable to the occaſion, retired as he came, only inſtead of being conducted home, he was led into a very noble Apartment, which was deſigned now to entertain his Excellency, in quality of Ambaſſador Extraordinary, all the time he would have occaſion to ſtay in *Modena*, and therein indeed with great plenty and magnificence, he was ſerved in all neceſſary kinds, at the Expence of that generous Princeſs.

But now other things being concluded, and the Earl preſſing his departure, the Day for the Marriage was aſſigned, being the — of *September*; againſt which, the Earl had betimes prepared himſelf in Habit and Equipage ſuitable to the occaſion, and about Eleven a Clock he was fetched at his Lodging by the Duke, accompanied by his Uncle the Prince *Renaldo*, and all the principal Cavaliers of the Court, and conducted to a Chamber near the Chappel, where he repoſed himſelf till ſo much of the Service was done, as ſeemed obnoxious to the Religion he did profeſs; after which he was led to the Chappel, where the Princeſs expected him, and there between them was performed the Ceremony deſigned for a perpetual Marriage between that Princeſs, and the Duke his Maſter. After which, he lead her by the hand to her Apartment, and there taking his leave, went to repoſe himſelf, till he was fetched to accompany theſe Princes at the Dinner.

That did ſucceed about one of the Clock, and as to the Ceremony of it, it was performed at a long Table, over the upper end whereof, was a rich Cloth of State, under which

in

in repreſentation of a Bridegroom, the Earl ſate with the Princeſs, the Duke, Dutcheſs, and other Princes of that Houſe, ſitting on either ſide, according to their Degrees. 1673

The Dinner was ſerved with all the care and Curioſity that was poſſible for any thing of that nature to be contrived: What the Sea could afford (tho it was not near) and what the Rivers and the Lakes afforded was there, and what the Land could produce, or the Air of *Italy*, was not wanting, and all this was made more excellent, by the Courteſy and good Humour of the Princeſs: But it ended at laſt, and all aroſe in order to a greater Liberty for Converſation: They had alſo a Concluſion for that time too, and the Company for their Repoſe, returned every one to their Apartment; and to his Excellencies, he was conducted after the ſame Ceremony as he was brought to Dinner.

To the Honour of the Night, was dedicated Dancing and a Ball, whereunto all the Beauties of the Court did reſort, It was performed with the Order and Ornaments ſuitable to the other parts of the Entertainment, being much to the ſatisfaction and eſteem of all the Strangers that did ſee it.

The next day, in a very formal Cavalcade, the Duke and his Excellency rode to the Cathedral, where a ſolemn Service and *Te Deum* was ſung, in Honour of the Accompliſhing of this Marriage: And two or three Days after, more were ſpent in triumphal Shows, and other Teſtimonies of publick rejoycing. After all which, the time of undertaking the departure being come, the Dutcheſs Mother would by all means accompany her Daughter into *England*, and ſhe could not be diverted by any means, altho it prov'd chargeable to her, and of ill conſequence to her Concerns in that Government; Paſſes were obtained from the Kings of *France* and *Spain*, and the *Italian* Princes, through whoſe Territories her Royal Highneſs was to paſs, to travel *incognito*; but with Orders to provide any Accommodations that ſhould be neceſſary for her Service.

She began then this Voyage the —— of *September*, in 1673, accompanyed by the Dutcheſs Regent, the Duke her Brother, his Excellency and the Prince *Renaldo* of *Eſte*, with whatever was Noble and conſiderable amongſt their own Subjects, as many other Men of Quality who made their Court to thoſe Princes upon different Obligations, and a very Princely Corteggio it was that went with them out of *Modena*. Monſieur *d'Angeau* and his Brother, had gone ſome Days before to *Milan*, and did not re-joyn the reſs till they came into *Piedmont*.

After two Days the young Duke was perſwaded to take leave of his Siſter, but he did it with all that Repugnancy of which an excellent nature could be capable, having been ever bred together with that reciprocal kindneſs, which near-

1673 neſs and Merit could beget: But the Princeſs was very near being diſſolved in Tears; ſhe left her loving and hopeful Brother, her happy and delicious Country, with the kind Companions of her Youth, among whom ſhe had been bred, and all theſe perhaps for ever; for Youth and Innocence permitted her not to know whether it was ſhe was to go, to what kind of Port, nor among whom; ſo compaſſion was to be allowed to her Tears, as well as her Inclinations; and it was enough they could procure her to proceed, and to be comforted.

Having paſſed then through her own Country, through the *Parmeſan*, and part of the *Milaneſe*, ſhe came at laſt into *Piedmont*, where the Princeſſes were almoſt, as it had been by Spirits, for ſeveral Days, inviſibly lodged and provided for after a moſt magnificent manner, but ever at the Expence of that generous Duke, 'till they came out of his Territories, where they were met by Officers of the *French* King, who did accompany and defray them into the City of *Paris*, bringing them to lodge at the *Arſenal*, where his Excellency was provided for, and had a noble Table kept for his own particular uſe, at the ſame King's Expence, all the time of his Reſidence there.

The neceſſity of their Repair into *England*, now drew near, but her Royal Highneſs here fell ſick, and her Diſeaſe, for all the power and diligence of Medicines, hung ſo upon her, that for ſome Weeks, they were not able to think of their remove; and when her ſtrength was again returned the *French* King, for all her deſire of being *incognito*, would not be perſwaded from perſonally paying her his Complements, and thoſe reſpects which a general Reputation did declare were due to her Royal Qualities.

He made her then a viſit in the Forms, under all the State to himſelf, and with all the Conſideration to her that could be poſſible: This drew on a neceſſity of a Viſit from her Highneſs to the Queen, and indeed ſhe was received at *Verſailles*. by their Majeſties, with all imaginable Circumſtances of Honour and Conſideration; and there entertained with that Royal profeſſion and magnificence, accuſtomed from that great Monarch, towards ſuch Gueſts and on ſuch Occaſions: The Queen of *France* returned the Viiit to her Royal Highneſs; and this afterwards drew on the Conſiderations of receiving and giving Viſits to other great Princeſſes of the Royal Houſe, wherein was much circumſpection to be had about Punctilio's and Formalities: But being in the *French* King's Houſe, the Marriage made upon his Account, and his favour continually employ'd on all Concerned in that Affair, it was thought but a juſt and neceſſary return, to give unto thoſe of his Royal Blood, what reſpects could be paid without leſſening the Dutcheſs of *York*, or practiſing

practising any under condescensions; Mediums were then found, and Expedients for all pretences; Visits were made by *Madamoiselle*, *Madamoiselle de Montpesier*, and Madam *de Guise*, and repaid to them again; after which, and the receipt of very Royal Presents from the King, her Royal Highness began her Journey from *Paris*, on the —— of *October*, and was defrayed by the King's Officers, till she came on Board the King of *England*'s Yatch, which attended her at *Calais*; in all the Provinces and Towns she passed, she was met and received by the Governours and Magistrates, as if she had been Queen of *France*. 1673

To *Calais* she came at last, and there in company of her Mother, her Uncle, and all that came with her out of *Italy*, embarked in the *Katherine* Yatch, whence in a few Hours they arrived at *Dover*, upon the Sands whereof, the Duke her Husband did attend her; and upon her landing, she took possession of his Heart, as well as of his Arms; and was thence conducted by him to her Lodging. After she had reposed her self, his Royal Highness (that had provided so to confirm this Matter, as my Lord expresses it, that the Malice of any Age to come, should have no pretence to call it in question, led out his Dutchess into the great Room before his Bed-Chamber, and there in presence of all the Lords, who attended him from *London*, of all the Country Gentlemen who were come to see him, and what it could contain of the Citizens of *Dover*, he Married again his Wife, after the Form of the Church of *England*, by the Hands of Dr. *Nathaniel Crew*, at this time Bishop of *Durham*, after which, and that they had supped together, they were lawfully put to Bed, for the final Consummation of this Undertaking.

The Duke of York's *Letter to F.* La Chaise.

THE Second of *June* last past, his most Christian Majesty offerred me most generously his Friendship, and the use of his Purse to assist against the Designs of my Enemies and his, and protested unto me, that his Interest and mine were so clearly linked together, that those that opposed the one, should be looked upon as Enemies to the other; and told me moreover, his Opinion of my Lord *Arlington* and the Parliament, which is, *That he is of Opinion, that neither the one nor the other is in his Interest or mine.* and thereupon he desires me to make such Propositions as I should think fit in this Conjuncture. 1675.

All was transacted by the means of Father *Ferriers*, who made use of Sir *William Frogmorton*, who is an honest Man, and

1675 and of Truth, who was then at *Paris*, and hath held Cor
respondence with *Coleman*, one of my Family, in whom
have great Confidence. I was much ſatisfyed to ſee his moſt
Chriſtian Majeſty altogether of my Opinion, ſo I made him
anſwer the 29th of *June*, by the ſame means he had made
uſe of to write to me, that is, by *Coleman* who addreſs'd
himſelf to Father *Ferriers* (by the forementioned Knight)
and entirely agreed with his moſt Chriſtian Majeſty, as well
to what had reſpect to the Union of our Intereſts, as the un
uſefulneſs of my Lord *Arlington* and the Parliament, in or
der to the Service of the King my Brother and his moſt
Chriſtian Majeſty; and that it was neceſſary to make uſe
of our joynt and utmoſt Credits to prevent the Succeſs of
thoſe evil Deſigns, reſolved on by the Lord *Arlington* and the
Parliament, againſt his moſt Chriſtian Majeſty and my ſelf,
which of my ſide I promiſe really to perform, of which ſince
that time, I have given reaſonable good Proof.

Moreover I have made ſome Propoſals, which I thought
neceſſary to bring to paſs what we were obliged to under
take, aſſuring him that nothing could ſo firmly eſtabliſh our
Intereſt with the King my Brother, as that very ſame offer
of the help of his Purſe; by which means I had much reaſon
to hope, I ſhould be enabled to perſwade to the diſſolving of
the Parliament, and to make void the Deſigns of my Lord
Arlington, who works inceſſantly to advance the Intereſt of
the Prince of *Orange* and the *Hollanders*, and to leſſen that
of the King your Maſter; notwithſtanding all the Proteſta
tions he hath made to this hour, to render him Service.

But as that which was propoſed was at a ſtand, by reaſon
of the Sickneſs of Father *Ferriers*, ſo our Affairs ſucceeded
not according to our Deſigns; only Father *Ferriers* wrote to
me the 15th of the laſt Month, *That he had communicated thoſe
Propoſitions to his moſt Chriſtian Majeſty, and that they had
been very well liked of, but as they contained things that had re
gard to the Catholick Religion, and to the offer and uſe of his
Purſe, he gave me to underſtand he did not deſire I ſhould treat
with Monſieur* Ruvigni *upon the firſt, but as to the laſt.* And
at the ſame time acquainted me, *That Monſieur* Ruvigni *had
Order to grant me whatever the Conjuncture of our Affair did
require.* And I have expected the Effects of it to this very
Hour, but nothing hath been done in it; and ſeeing on the
other hand, that my Lord *Arlington* and ſeveral others
endeavoured by a thouſand Deceits to break the good Intelli
gence, which is between the King my Brother, his moſt
Chriſtian Majeſty and my ſelf, to the end they might de
ceive us all three. I have thought fit to advertiſe you of all
that is paſt, and deſire of you your Aſſiſtance and Friendſhip
to prevent the Rogueries of thoſe who have no other deſign
than to betray the Concerns of *France* and *England* alſo
a

and who for their pretended Service, are the occaſion they ſucceed not. 1675.

As to any thing more, I refer you to Sir *William Frogmorton* and *Coleman*, who I have commanded to give an Account of the whole State of our Affairs, and of the true Condition of *England*, with many others; and principally my Lord *Arlington*'s Endeavours to repreſent it to you quite otherwiſe than it is.

The two firſt I mentioned to you, are firm to my Intereſt, ſo that you may treat with them without any Apprehenſion.

Reaſons for the Indictment of the Duke of *York*.

Preſented to the Grand Jury of Middleſex, Saturday June 26. 1680. *By the Perſons hereunder Named.*

BEcauſe the 25th *Car.* 2. When an Act was made to throw Popiſh Recuſants out of all Offices and Places of Truſt, the Duke of *York* did lay down ſeveral great Offices and Places (as Lord High Admiral of *England*, Generaliſſimo of all his Majeſty's Forces both by Land and Sea, Governor of the *Cinque*-Ports, and divers others) thereby to avoid the Puniſhment of that Law againſt Papiſts. 1680

II. Thirtieth *Car.* 2. When an Act was made to diſable Papiſts from Sitting in either Houſe of Parliament, there was a Proviſo inſerted in that Act, that it ſhould not extend to the Duke of *York*, on purpoſe to ſave his Right of Sitting in the Lord's Houſe, tho' he refuſes to take thoſe Oaths which Proteſtant Peers ought to do.

III. That his Majeſty in his Speech *March* 6th. the 31ſt. of his Reign, doth give for a Reaſon to the Parliament, why he ſent his Brother out of *England*, becauſe he would leave no Man Room to ſay, that he had not removed all Cauſe which might influence him to Popiſh Councils.

IV. That there have been divers Letters read in both Houſes of Parliament, and at the ſecret Committees of both Houſes, from ſeveral Cardinals and others at *Rome*; and alſo from other Popiſh Biſhops and Agents of the Pope, and other foreign Parts, which do apparently ſhew the great Correſpondencies between the Duke of *York* and the Pope: and how the Pope could not chooſe but Weep for Joy at the reading ſome of the Duke's Letters: And what great Satisfacti-

1680. tisfaction it was to the Pope, to hear that the Duke was a vanced to the Catholick Religion: That the Pope has gra ed Breves to the Duke, ſent him Beads, ample Indulgenc with much more to this purpoſe.

V. That the whole Houſe of Commons hath declared h to be a Papiſt in their Votes. *Sunday April* 6th, 1679. *ſolved*, Nemine Contradicente, *by the Lords Spiritual and Te poral and Commons in Parliament aſſembled, That they do decl That they are fully ſatisfied by the Proofs they have heard, th is now and for divers Years laſt paſt, hath been a horrid treaſonable Plot and Conſpiracy contrived and carryed on by th of the Popiſh Religion, for the Murdering of his Majeſties ſac Perſon, and for ſubverting the Proteſtant Religion, and the tient Well-eſtabliſhed Government of this Realm.*

VI. That beſides all this Proof and much more to t purpoſe, it is moſt Notorious and Evident, he hath for m ny Years abſented himſelf from Proteſtant Churches duri Religious Worſhip.

Theſe are the Reaſons why we believe the Duke of to be a Papiſt.

Huntington.	Sir *Henry Calverley.*
Shaftsbury.	*Tho. Thyn*, Eſq;
Grey of *Wark.*	*William Forreſter*, Eſq;
Lord *Ruſſel.*	*John Trenchard*, Eſq;
Lord *Cavendiſh.*	*Tho. Wharton*, Eſq;
Lord *Brandon.*	Sir *William Cooper*, Bar.
Sir *Edward Hungerford*, Kt. of the *Bath.*	Sir *Gilbert Gerrard*, Bar.
	Sir *Scroop How.*

The Jury was ſent for up by the Court of *King's-Be* whilſt they were on this Indictment, and diſmiſſed, ſo t nothing was farther done in it, ſaving that the Jury recei the Preſentment. And by the diſmiſſion of the Jury, a v great number of the Indictments were diſcharged; a th ſcarcely to be parallel'd, and of very ill conſequence, only to many private Perſons but chiefly to the Public

---

The Heads of the Expedients propoſed by the Co Party to the Parliament at Oxford, *in lieu of Bill for Excluding the Duke of* York.

I. THAT the Duke be Baniſhed during his Life, hundred Miles from *England*, *Scotland* and *Irel* and the Dominions and Territories to them belonging.

II. T

II. That the whole Government both Eccleſiaſtical and Civil, ſhall upon the demiſe of the King, be veſted in a Regent, for ſuch time as the Duke of *York* ſhall ſurvive. 1680.

III. That the Regent be the Princeſs of *Orange*, and in caſe of her Deceaſe without Iſſue, or with Iſſue in Minority, then the Lady *Anne*.

IV. That if the Duke have a Son educated a Proteſtant, then the ſaid Princeſſes reſpectively ſhall ſucceed in the Regency, during the Minority of ſuch Son and no longer; which mediates an incurable Abſurdity in the former Bill of Exclu-ſion.

V. That the Regent nominate the Privy-Council, and they to be, or not to be approved in Parliament, as ſhall be judg-ed moſt ſafeſt, upon directing the drawing up of the intended Act.

VI. That notwithſtanding theſe Kingdoms (out of Reſpect to the Royal Family and Monarchy it ſelf) may be Govern-ed by the ſaid Regent in the Name and Stile of *James* II. &c. Yet it ſhall by this intended Act, be made Capital for any to take up Arms on his behalf, or by a Commiſſion not Signed by the ſaid Regent, or not granted by Lawful Authority derived from and under ſuch Regent; or to maintain an Opinion that the retaining the ſaid Name and Stile, ſhall in this caſe purge the Diſabilities impoſed by this Act, or elude the force thereof.

VII. That Commiſſioners be forthwith ſent to the Prince and Princeſs of *Orange*, to take their Oaths, that they will ſee upon them the Execution of this Act, and that their Oaths be here Recorded.

VIII. That Officers Civil and Military, forthwith take the Oaths to obſerve this Act, and ſo all others from time to time as in the Act for the Teſt.

IX. That his Majeſty would graciouſly declare to call a Parliament in *Scotland*, in order to the paſſing the like Act there, and recommend the ſame, and the like to be done in *Ireland* if thought fit.

X. That in caſe the ſaid Duke ſhall come into any of theſe Kingdoms, then he ſhall be *ipſo Facto*, totally Excluded, and ſhall ſuffer as in the Bill of Excluſion; and the Sovereignty ſhall forthwith be intirely veſted in the Regent, upon ſuch his coming into any of theſe Kingdoms.

XI. That all conſiderable Papiſts be Baniſhed by Name.

XII. That their fraudulent Conveyances be defeated.

XIII. That their Children be Educated in the Proteſtant Religion.

By theſe Means theſe three Kingdoms will be United in Defence of the Proteſtant Religion, his Majeſties Perſon and Government, and a ſure Foundation laid of an effectual

League

1680. League with *Holland* and consequently with the rest of Chri-
ſtendom, in oppoſition to the growing Greatneſs of *France*.

The following Addreſs was induſtriouſly procured from the Middle-Temple *to King* James, *towards the beginning of his Reign; being ſaid to have been Penned by Sir* Bartholomew Shower, *and was Preſented by Sir* Humphrey Mackworth.

Moſt dread Sovereign.

Addreſs from the Middle-Temple. 1685

WE your Majeſties moſt loyal Subjects, with all Humility, Congratulate the legal and peaceable Deſcent of this imperial Crown upon your Majeſty, the only Remedy for our unſpeakable Sorrow, for the Death of our moſt gracious Sovereign of ever glorious and bleſſed Memory —— Your Majeſties unparallel'd Juſtice, Courage and Conduct (ſignalized to the World before they became Ornaments to the Crown) give a perfect Aſſurance of Happineſs to theſe Nations under your Government. We cannot therefore but with deepeſt Sence of Gratitude, acknowledge your *Majeſties* great Goodneſs and Condeſcention in your late Declaration, and in particular, that your Majeſty has been graciouſly pleaſed in purſuance of the ſame, to extend your Royal Care of the Government to the Preſervation of the Cuſtoms; the Intermiſſion whereof would not only have diſabled your Majeſty to maintain the Navy in defence of the Realm, but by taking away the Ballance of Trade have ruined thouſands of your Majeſties Subjects that pay Cuſtom in the Life of our late Sovereign; and by an exceſſive Exportation and Importation Cuſtom free, have rendred that Branch of the Revenue unprofitable for ſome Years to come, notwithſtanding all the Care and Loyalty of the ſucceeding Parliament. For which reaſon the ſame have been continually received by your Royal Predeceſſors for ſome hundred of Years, and never queſtioned by any Parliament unleſs in that wherein were ſown the Seeds of Rebellion againſt the glorious Martyr, your Royal Father of ever bleſſed Memory.

'Tis a received Maxim of the Commom Law, *Theſaurus Regis eſt vinculum Pacis & Bellorum Nervi*: Such is the happy Conſtitution of this Monarchy, that your Majeſty's high Prerogative is the greateſt Security of the Liberty and Property of the Subject; ſo that whoever would impair the Revenue of the Crown, muſt by this fundamental Maxim (as binding as *magna Charta*) be eſteemed an Enemy to the Peace and Welfare of the Kingdom.

We therefore think it our indiſpenſible Duty, to endea- 1685.
vour the choice of ſuch Repreſentatives for the reſpective Counties and Boroughs to which we belong, as may not on-ly concur in ſettling a Revenue to ſupport the Government, as formerly, but alſo ſhew a grateful Sence of the great things you have done and ſuffered for us already, an entire Confidence in your Majeſty's Goodneſs towards us for the future, and a chearful complyance with your Heroick inclinations to advance the Honour and Intereſt of theſe Nations: May there never be wanting Millions as Loyal as we are to ſacrifice their Lives and Fortunes in defence of your Sacred Perſon and *Prerogative in its full Extent*; and inceſſantly pray the King of Kings, to grant your Majeſty a long and happy Reign over us.

A *Treaty of Allyance renewed between* James 2. *King of* Great Britain, *and the States General of the United Provinces of the Low Countries, made at* Windſor, *Auguſt the* 17*th.* 1685.

THE High and Mighty Lords the States General of the United Provinces of the Low-Countries, having given us to underſtand, that they deſign'd the Continuance and Confirmation of all the Treaties that had been concluded from time to time, and of which, particular mention ſhall be made hereafter, between the moſt Serene and moſt potent Prince and Lord, *Charles* the 2*d.* King of *Great Britain*, of glorious Memory, and the ſaid Lords the *States General*; and which ſtill continues as well for the peace and a good Underſtanding between the Crown of *Great Britain* and the *States General*, as for the Freedom, Communication and Security of Commerce between their Subjects; and that for this end, they have deputed for their Embaſſadors Extraordinary, *Jacob Baron* of *Waſſenaer*, Lord of *Duyvenworde*, *Voorſchooten*, *Veur*, &c. *Arnold de Citters*, formerly Counſellor in the Sovereign Court of *Holland*, *Zealand*, and *Weſt Frizeland*, and Embaſſador Extraordinary from the ſaid Lords, the *States General*, to the moſt Serene King of *Great Britain*, and *Everard de Wede*, Lord of *Dykvelt*, *Rateles*, &c. whom they have conſtituted their Commiſſioners and Deputies for this purpoſe, and furniſhed with full Powers for the future. *Treaty between King* James *and the* States. 1685.

The moſt Serene and moſt Potent Prince, *James* 2. by the Grace of God, King of *Great Britain*, *France* and *Ireland*, Defender of the Faith, being poſſeſſed with the like deſire of continuing the Antient Amity between the ſaid two Nations,

1685 Nations, to obſerve, and even to increaſe it by certain Conditions and Agreements that are profitable to them both, hath on his part nominated Commiſſioners, and furniſhed them with the like full Powers, *viz.* his dear and faithful Couſin and Counſellor, *Laurence* Earl of *Rocheſter*, Lord High Treaſurer of *England*, *George*, Marqueſs of *Halifax*, Preſident of the Council; *Robert*, Earl of *Sunderland*, one of the Principal Secretaries of State; and *Charles*, Earl of *Middleton*, the other Principal Secretary of State: And the ſaid Commiſſioners and Deputies as well on the part of the moſt Serene Prince, *James* 2. King of *Great Britain*, as on the part of the Lords the *States General*, having met diverſe times, and argued the matter, according to the full Power they had on either part, and were inſerted at the End of the Treaty: They have Agreed and Concluded That all and ſingular the Treaties here ſpecified and named, *viz.*

I. The Treaty of Peace and Allyance concluded *July* $\frac{3}{13}$. 1667.

II. The Treaty of Navigation and Commerce concluded the ſame time.

III. The Treaty of Peace and Friendſhip concluded at *Weſtminſter* the $1\frac{4}{4}$th. of *February*. 1674.

IV. The Marine Treaty concluded at *London*, *December* the 1ſt. 1674. With the Declatation, by which certain Articles of the ſaid Treaty, as well as the Marine Treaty made *February* $\frac{24}{14}$ 1667. are fully explain'd, made at the *Hague*, *December* the $\frac{8}{18}$. 1675.

V. The Article to prevent, and amicably to adjuſt the Differences that ariſe between the *Eaſt-India* Company of each Nation, concluded at *London*, *March* $1\frac{8}{8}$, $167\frac{7}{7}$.

VI. The Defenſive Allyance concluded at *London* *March* $1\frac{3}{3}$. $167\frac{7}{8}$.

And that all and every Article contained in the ſaid Treaties, and in each Treaty, ſhall continue for ever, be confirmed, and remain in force in the ſame Senſe, and for the End for which they were concluded, and made in the firſt place; and ſhall for the future have the ſame Vigour and Force as they had before, or ought to have, and that in the moſt ample manner and Form, wherein they have been conceived, and concluded at firſt, as of each Treaty, or

ticle of the Treaties were here repeated and ſpecified word for word. 1685

That the ſaid moſt Serene King of *Great Britain*, and the ſaid High and Mighty Lords, the States General of the United Provinces, will ſincerely and faithfully obſerve all and ſingular the Articles contained in all and every of the Treaties, above ſpecified and named, and will cauſe them to be obſerved by their Subjects and Inhabitants; and will neither directly nor indirectly contravene the ſame, nor ſuffer them to be violated by their Subjects, or Inhabitants; that they will ratify and confirm the Renovation of all and ſingular the ſaid Treaties, concluded by the Commiſſioners and Deputies on each part; and that by Patents ſubſcribed with their own Hands, and ſealed with the Great Seal, conceived and drawn up in a firm and efficacious Form, the which ſhall be reciprocally exchanged within four Weeks after the Date of theſe Preſents, or ſooner if poſſible; and this really, ſincerely, and effectually. Done at the Caſtle of *Windſor*, *Auguſt* 17. 1685.

(L. S.) *Rocheſter.*
(L. S.) *Halifax.*
(L. S.) *Sunderland.*
(L. S.) *Middleton.*
(L. S.) Baron *de Waſſenaer*; *Duyvenvoorde.*
(L. S.) *Arnaut* van *Citters.*
(L. S.) *De Weede.*

One Mr. *Stewart*, whom King *James* had pardoned, and received into favour after a long Baniſhment, pretending to be intimate with Mr. *Fagel*, at the King's deſire, wrote to him ſeveral times, concerning the Sentiments of the Prince and Princeſs of *Orange*, about the repealing the Penal Laws and Teſt, to whom the Penſionary, at length, ſent the following Anſwer.

A Letter writ by Myn Heer Fagel, *Penſionary of* Holland, *to Mr.* James Stewart, *Advocate, giving an Account of the Prince and Princeſs of* Orange's *Thoughts concerning the Repeal of the* Teſt *and* Penal-Laws.

SIR,

I Am extream ſorry, That my ill Health hath ſo long hindred me from Anſwering thoſe Letters, in which you ſo earneſtly deſire to know of me, what their Highneſſes Thoughts are concerning the Repeal of the *Penal Laws*, and more particularly of that concerning the Teſt: I beg you to aſſure your ſelf, That I will deal very plainly with

1687 you in this matter, and without reſerve; ſince you ſay that your Letters were writ by the King's Knowledge and Allowance. I muſt then firſt of all aſſure you poſitively, that their Highneſſes have often declared, as they did more particularly to the Marqueſs of *Albeville*, his Majeſty's Envoy Extraordinary to the States. That it is their Opinon, That no Chriſtian ought to be perſecuted for his Conſcience, or be ill uſed becauſe he differs from the publick and Eſtabliſhed Religion: And therefore they can conſent, That the Papiſts in *England*, *Scotland*, and *Ireland*, be ſuffered to continue in their Religion, with as much Liberty as is allowed them in theſe Provinces; in which it cannot be denyed, that they enjoy a full Liberty of Conſcience. And as for the Diſſenters, Their Highneſſes do not only conſent, but do heartily approve of their having an entire Liberty, for the full exerciſe of their Religion, without any trouble or hindrance; ſo that none may be able to give them the leaſt diſturbance upon that Account.

And their Highneſſes are very ready, in caſe his Majeſty ſhall think fit to deſire it, to declare their willingneſs in the ſettling and confirming this Liberty; and as far as it lies in them, they will protect and defend it; and according to the Language of Treaties, they will Confirm it with their Guarantee, of which you made mention in yours.

And if his Majeſty ſhall think fit further to deſire their Concurrence in the repealing the *Penal Laws*, they are ready to give it: *Provided always that thoſe Laws ſhall remain always in their full vigour, by which the Roman Catholicks are ſhut out of both Houſes of Parliament, and out of all publick Employments, Eccleſiaſtical, Civil and Military.* As likewiſe all thoſe other Laws, which confirm the Proteſtant Religion, and which ſecures it againſt all the Attempts of the *Roman* Catholicks.

But their Highneſſes cannot agree to the Repeal of the TEST, or of thoſe other Penal Laws laſt mentioned: That tend to the ſecurity of the Proteſtant Religion, ſince the Roman Catholicks receive no other Prejudices from theſe, than the being excluded from Parliaments, or from Publick Imployments: And that by them the Proteſtant Religion is covered from all the Deſigns of the Roman Catholicks againſt it, or againſt the Publick ſafety; and neither the TEST nor thoſe other Laws can be ſaid to carry in them any ſeverity againſt the Roman Catholicks upon account of their Conſciences; they are only Proviſions qualifying them to be Members of Parliament, or to be capable of bearing Office; by which they muſt declare before God and Men, That they were for the Proteſtant Religion: So that indeed, all this amounts to no more than a ſecuring the

Proteſtant

Proteſtant Religion from any Prejudices that it may receive from the Roman Catholicks. 1687

Their Highneſſes have thought, and do ſtill think, That more than this ought not to be asked or expected from them, ſince by this means the Roman Catholicks and their Poſterity, will be for ever ſecured from all Trouble in their Perſons or Eſtates, or in the exerciſe of their Religion; and that the Roman Catholicks ought to be ſatisfied with this, and not to diſquiet the Kingdom, becauſe they cannot be admitted to ſit in Parliament, or to be in Employments; or becauſe thoſe Laws in which the Security of the Proteſtant Religion does chiefly conſiſt, are not repealed, by which, they muſt be put in a condition to overturn it.

Their Highneſſes do alſo believe, That the Diſſenters will be fully ſatisfy'd, when they ſhall be for ever covered from all danger of being diſturbed, or puniſhed for the free exerciſe of their Religion, upon any ſort of Pretence whatſoever.

Their Highneſſes having declared themſelves ſo poſitively in theſe Matters, it ſeems very plain to me, That they are far from being any hindrance to the freeing Diſſenters from the ſeverity of Penal Laws, ſince they are ready to uſe their utmoſt Endeavour for the eſtabliſhing of it; nor do they at all preſs the denying to the Roman Catholicks, the Exerciſe of their Religion, provided it be managed modeſtly, and without Pomp or Oſtentation: As for my own part, I ever was, and ſtill am very much againſt all thoſe who would perſecute any Chriſtian, becauſe he differs from the Publick and Eſtabliſhed Religion; and I hope, by the Grace of God, to continue ſtill in the ſame Mind; for ſince that Light with which Religion illuminates our Minds, is according to my Senſe of things, purely an effect of the Mercy of God to us; we ought then, as I think, to render to God all poſſible thanks for his Goodneſs to us; and to have pity for thoſe who are ſtill ſhut up in Error, even as God has pityed us; and to put up moſt earneſt Prayers to God, for bringing thoſe into the way of Truth, who ſtray from it, and to uſe all gentle and friendly Methods for reducing them to it.

But, I confeſs, I could never comprehend how any that profeſs themſelves Chriſtians, and that may enjoy their Religion freely, and without any diſturbance, can judge it lawful for them to go about to diſturb the quiet of any Kingdom or State; or to overturn Conſtitutions, that ſo they themſelves may be admitted to Employments; and that thoſe Laws in which the Security and Quiet of the Eſtabliſhed Religion conſiſts, ſhould be ſhaken.

It is plain that the Reformed Religion is by the Grace of God, and by the Laws of the Land, enacted both by King

1687 and Parliament; the publick and Eſtabliſhed Religion both in *England*, *Scotland* and *Ireland*; and that it is alſo provided by thoſe Laws, that none can be admitted either to a Place in Parliament, or to any publick Employment, except thoſe that do openly declare, that they are of the Proteſtant Religion, and no Roman Catholick; and it is alſo provided by theſe Laws, that the Proteſtant Religion ſhall be in all times coming, ſecured from the Deſigns of the Roman Catholicks againſt it: In all which I do not ſee, that theſe Laws contain any ſeverity either againſt the Perſons or Eſtates of thoſe who cannot like thoſe Teſts, that are contrary to the Roman Catholick Religion; all the Inconveniences that can redound to them from thence, is that their Perſons, their Eſtates, and even the Exerciſe of their Religion being aſſured to them, only they can have no ſhare in the Government, nor in Offices of truſt, as long as their Conſciences do not allow them to take theſe TESTS; and they are not ſuffered to do any thing that is to the prejudice of the Reformed Religion.

Since, as I have already told you, their Highneſſes are ready to concur with his Majeſty for the Repeal of thoſe Penal Laws, by which Men are made liable to Fines or other Puniſhments.

So I ſee there remains no difficulty concerning the repealing the Penal Laws, but only this, that ſome would have the Roman Catholicks rendred capable of all publick Truſts and Employments; and that by conſequence all thoſe ſhould be repealed that have ſecured the Proteſtant Religion againſt the Deſigns of the Roman Catholicks, whereas others at the ſame time, are not leſs earneſt to have thoſe Laws maintained in their full and due vigour; and think, that the chief Security of the Eſtabliſhed Religion conſiſts in the preſerving of them ſacred and unſhaken.

Its certain, that there is no Kingdom, Commonwealth, or any conſtituted Body or Aſſembly whatſoever, in which there are not Laws made for the ſafety thereof, and that provide againſt all Attempts whatſoever, that diſturb their Peace, and that preſcribe the Conditions and Qualifications that they judge neceſſary for all that ſhall bear Employments in that Kingdom, State or Corporation: And no Man can pretend, that there is any Injury done him, that he is not admitted to Employments, when he doth not ſatisfie the Conditions and Qualities required.

Nor can it be denyed, That there is a great difference to be obſerved in the Conduct of thoſe of the Reformed Religion, and of the Roman Catholicks towards one another: The Roman Catholicks not being ſatisfied, to exclude the Reformed from all Places of Profit or of Truſt; they do abſolutely ſurpreſs the whole Exerciſe of that Religion, and perſecute

Perſecute all that profeſs it; and this they do in all thoſe places where it is ſafe and without danger, to carry on that Rigour: And I am ſorry that we have at this preſent ſo many deplorable Inſtances of this ſeverity before our Eyes, that is at the ſame time put in practiſe in ſo many different places. 1687

I would therefore gladly ſee one ſingle good Reaſon to move a Proteſtant that fears God, and that is concerned for his Religion, to conſent to the Repealing of thoſe Laws that have been Enacted by the Authority of King and Parliament, which have no other tendency but to the ſecurity of the Reformed Religion, and to the reſtraining the Roman Catholicks from a Capacity of overturning it; theſe Laws inflict neither Fines nor Puniſhments, and do only exclude the Roman Catholicks from a ſhare in the Government, who by being in Employments, muſt needs ſtudy to increaſe their Party, and to gain to it more Credit and Power, which by what we ſee every day, we muſt conclude, will be extreamly dangerous to the Reformed Religion, and muſt turn to its great prejudice, ſince in all places thoſe who are in publick Employments, do naturally favour that Religion of which they are, either more or leſs: And who would go about to perſwade me, or any Man elſe, to endeavour to move their Highneſſes, whom God hath honoured ſo far as to make them Protectors of his Church, to approve of, or to conſent to things ſo hurtful, both to the Reformed Religion, and to the publick ſafety? Nor can I, Sir, with your your good leave, in any way perceive what you apprehend; that no prejudice will hereby redound to the Reformed Religion.

I know it is commonly ſaid, that the number of the Roman Catholicks in *England* and *Scotland*, is very inconſiderable; and that they are only poſſeſſed of a very ſmall number of the places of Truſt: Tho' even as to this, the caſe is quite different in *Ireland*; yet this you muſt of neceſſity grant me, that if their Numbers are ſmall, then it is not reaſonable that the publick Peace ſhould be diſturbed on the account of ſo few Perſons; eſpecially when ſo great a Favour may be offered to them, as the free exerciſe of their Religion would be: And if their Numbers are greater, then there is ſo much the more reaſon to be afraid of them: I do indeed believe, that Roman Catholicks, as things at preſent ſtand, will not be very deſirous to be in publick Offices and Employments, nor that they will make any Attempts upon the Reformed Religion, both becauſe this is contrary to Law, and becauſe of the great Inconveniences that this may bring at ſome other time, both on their Perſons and on their Eſtates; yet if the reſtraint of the Law were once taken off, you would ſee them brought into the

1687. Government, and the Chief Offices and Places of Truſt, put into their Hands: Nor will it be eaſie to his Majeſty to reſiſt them in this, how ſtedfaſt ſoever he may be; for they will certainly preſs him hard in it, and they will repreſent this to the King, as a matter in which his Conſcience will be concerned, and when they are poſſeſſed of the publick Offices, what will be left for the Proteſtants to do, who will find no more the Support of the Law, and can expect little encouragement from ſuch Magiſtrates? And on the other hand, the Advantages that the Roman Catholicks would find in being thus let looſe from all reſtraints, are ſo plain, that it were a loſs of time to go about the proving it. I neither can nor will doubt of the ſincerity of his Majeſty's Intentions, and that he has no other Deſign before him in this matter, but that all his Subjects may enjoy in all things, the ſame Rights and Freedom.

But plain Reaſon as well as Experience of all Ages, the preſent, as well as the paſt, ſhews, that it will be impoſſible for the Roman Catholicks and Proteſtants, when they are mixed together in Places of Truſt, and publick Employments, to live together peaceably, or to maintain a good Correſpondence together. They will be certainly always jealous of one another; for the Principles and Maxims of both Religions are ſo oppoſite to one another, that in my Opinion, I do not ſee how it will be in the power of any Prince or King whatſoever, to keep down thoſe Suſpicions and Animoſities, which will be apt to ariſe upon all occaſions.

As for that which you apprehend, that the Diſſenters ſhall not be delivered from the Penal Laws, that are made againſt them, unleſs at the ſame time, the TEST be likewiſe repealed: This will be indeed a great Unhappineſs to them, but the Roman Catholicks are only to blame for it, who will be rather content that they and their Poſterity ſhould lie ſtill under the weight of the Penal Laws, and expoſed to the hatred of the whole Nation, than be ſtill reſtrained from a Capacity of attempting any thing againſt the Peace and Security of the Proteſtant Religion, and be deprived of that ſmall Advantage (if it is at all to be reckoned one) of having a ſhare in the Government, and publick Employments; ſince in all places of the World, this has been always the Privilege of the Religion that is eſtabliſhed by Law; and indeed theſe Attempts of the Roman Catholicks ought to be ſo much the more ſuſpected and guarded againſt by Proteſtants, whether they will or nor, diſſolve the Security, whch they have for their Religion: And to clear a Way for bringing in the Roman Catholicks to the Government,

and

and to publick Employments, in which caſe there would remain no relief for them, but what were to be expected from a Roman Catholick Government. 1687

Such then will be very unjuſt to their Highneſſes, who ſhall blame them for any inconveniency that may ariſe from thence, ſince they have declared themſelves ſo freely on this Subject, and that ſo much to the Advantage even of the Roman Catholicks. And ſince the ſettlement of Matters ſticks at this ſingle point; that their Highneſſes cannot be brought to conſent to things that are contrary to Laws already in Being, and that are ſo dangerous and hurtful to the Proteſtant Religion, as the admitting of Roman Catholicks to a ſhare in the Government, and to Places of Truſt; and the repealing thoſe Laws that can have no other effect but the ſecuring the Proteſtant Religion from all the Attemps of the Roman Catholick againſt it would be.

You Write, *That the Roman Catholicks in theſe Provinces, are not ſhut out from Employments and Places of Truſt:* But in this you are much miſtaken, for our Laws are expreſs, excluding them by Name from all ſhare in the Government, and from all Employments either of the Policy or Juſtice of our Country: It's true, I do not know of any expreſs Law that ſhuts them out of Military Employments; that had indeed been hard, ſince in the firſt formation of our State, they joined with us in defending our publick Liberty, and did divers eminent Services during the Wars; there they were not ſhut out from thoſe Military Employments, for the publick ſafety was no way endangered by this, both becauſe their Numbers that ſerved in our Troops were not great, and becauſe the States could eaſily prevent any inconvenience that might ariſe out of that, which could not have been done ſo eaſily, if the Roman Catholicks had been admitted to a ſhare in the Government, and in the Policy or Juſtice of our State.

I am very certain of this, of which I could give very good Proofs, that there is nothing which their Highneſſes deſire ſo much, as that his Majeſty may Reign happily, and in an entire confidence with his Subjects; and that his Subjects being perſwaded of his Fatherly Affection to them, may be ready to make him all the Returns of Duty that are in their Power. But their Highneſſes are concerned in their Conſciences, that both the Proteſtant Religion, and the ſafety of the Nation, would be expoſed to moſt certain Dangers, if either the TESTS or thoſe other Penal Laws, of which I have made frequent mention, ſhould be repealed. *Therefore they cannot conſent to this, nor concur with his Majeſty's Will; for they believe they ſhould have much to anſwer for to God, if the Conſideration of any preſent Advantage ſhould carry them to Conſent, and Concur in things, which they believe would be not only dangerous, but miſchievous to the Proteſtant Religion.*

1687 Their Highneſſes have ever paid a moſt profound Duty to his Majeſty, which they will always continue to do; for they conſider themſelves bound to it, both by the Laws of God and of Nature: But ſince the matter that is now in hand, relates not to the making of *New Laws*, but to the total repealing of thoſe already made by King and Parliament; they do not ſee how it can be expected of them, that they ſhould conſent to ſuch a *Repeal*, to which they have ſo juſt an Averſion, as being a thing that is contrary to the Laws and Cuſtoms of all Chriſtian States, whether *Proteſtants* or *Papiſts*, who receive none to a ſhare in the Government, or to publick Employments, but thoſe who profeſs the Publick and Eſtabliſhed Religion, and that take care to ſecure it againſt all Attempts whatſoever. I do not think it neceſſary to demonſtrate to you, how much their Highneſſes are devoted to his Majeſty, of which, they have given ſuch real Evidences as are beyond all Verbal ones, and they are reſolved ſtill to continue in the ſame Duty and Affection, or rather to increaſe it, if that is poſſible. I am, Sir,

Novemb. 4. 1687. *Yours*, &c.

Some time after the Publiſhing of this Letter, there being a Pamphlet put out, Intituled, *Parliamentum pacificum*, or, a *Happy Union of King and People, in an healing Parliament*; wherein it was affirmed that the Letter ſent to Mr. *Stewart*, was not only Suppoſititious, but alſo that the Author had miſ-repreſented their Highneſſes Sentiments. Mr. *Fagel*, to juſtify himſelf was obliged to Write the following Letter to the Marqueſs of *Albeville*, the King's Envoy at the *Hague*.

My Lord,

1688 WE have ſeen here a Pamphlet in *Engliſh*, entituled, *Parliamentum Pacificum*, Printed this Year in *London*, with the Earl of *Sunderland*'s Allowance; of which I cannot forbear complaining, how averſe ſoever I am to Expoſtulations: The Author of it maintains that the Letter I writ on the 4th of *November* laſt, relating to the Teſt and Penal Laws, is either a Forgery, or that I writ it, without the Order or Approbation of their Highneſſes, or at leaſt of her Royal Highneſs the Princeſs. Not that I pretend to enter into the Particulars of that Pamphlet, with deſign to confute any thing in it; it being little agreeable to my Character and Inclination to meddle with publick Diſputes of that Nature: But you muſt not think it ſtrange if I put you in mind, that it was not of my own ſelf that I engaged in writing the ſaid Letter, but rather after I had been powerfully preſſed to it for four Months together, from, or in the Name of his Majeſty; and when at laſt

I

I was prevailed with to write it, I did it with all the Precaution which ſo nice an Affair ſeemed to require, inſomuch that in all that Letter, there is not one Period, which I ought to fear might diſpleaſe his Majeſty. Nevertheleſs, I ſee that in a Writing printed by publick Authority, that Letter is branded as Suppoſititious, altho' his Majeſty and even all the Court know the Truth of the Buſineſs. And beſides that, I have owned it here to your Lordſhip as the King's Miniſter, and to all that ſpoke to me of it. But what is moſt injurious to me is, that I am therein charged with having abuſed their Highneſſes, particularly that of her Royal Highneſs, as if I were a Perſon capable of ſo infamous a Cheat, and of a Falſity ſo unworthy of all Men of Honour, and that too in an Affair of the higheſt Importance. You will not take it ill, My Lord, if in this Matter I refer my ſelf to the knowledge you have of it, and to what you have often told me your ſelf. *viz.* That their Highneſſes and particularly her Royal Highneſs the Princeſs, had declared their Thoughts to you concerning the Teſt and Penal Laws, in the ſame manner I had repreſented them; that you had acquainted the Court with it a long time before I wrought my Letter; and that you could not conceive what reaſon there was for preſſing me to write to Mr. *Stewart*. I do aſſure you that I ſhould not be much offended at the Pamphlet, nor at any other of that nature; having already foreſeen that I ſhould not fail being attacked on that ſcore, wherein I could eaſily allow every Body the Liberty of pleaſing themſelves. But that Writing being Publiſhed under the Authority of the Preſident of the King's Council and Secretary of State, my Honour is concerned to clear my ſelf to the World of ſo unjuſt an Accuſation as is laid to my charge; therefore I thought I could not do better than to Addreſs my ſelf to you, My Lord, as being his Majeſty's Miniſter, and a Perſon perfectly well informed of the Buſineſs in queſtion, deſiring you would be pleaſed to write to the Earl of *Sunderland* about it. I believe he has neither ſeen nor examined the Paſſages of that Pamphlet which reflected upon me; and I am alſo perſuaded that if he had, he would not have put an *Imprimatur* to it; for the ſaid Earl of *Sunderland* knows as well as any Body, that the Letter of Mr. *Stewart* is no ſuppoſition, ſince he has ſeen the Letter it ſelf or the Engliſh Copy of it, which I had ſent along with it. He ought alſo to be no leſs aſſured by your Letters, and by what you have related by Word of Mouth, that their Highneſſes, and particularly her Royal Highneſs the Princeſs, have ſeveral times told you their Opinion concerning the TEST and Penal Laws, as I have expreſt it in my Letter to Mr. *Stewart*; therefore I dare promiſe my ſelf, from the Juſtice and Goodneſs of the Earl of *Sunderland*, that he

1688 he will take care that the Licenſe, which was ſurreptitiouſly obtained for the Printing of that Pamphlet, may be recalled, and the Author of ſo manifeſt and outragious a Calumny brought to condign Puniſhment: Neither will I conceal from you, that I deſign to publiſh what has paſt in this Affair, as well as that I now take the Liberty to Write to you, not with deſign to engage any further in the main Buſineſs, much leſs to gratify any body, but ſolely to ſhelter my Honour from ſo falſe and heinous an Imputation.

The Seven Biſhops being like to be tryed by Vertue of the Eccleſiaſtical Commiſſion, for petitioning the King againſt reading the Declaration for Liberty of Conſcience, in their reſpective Dioceſſes; and my Lord Biſhop of *Rocheſter* being one of the Perſons nominated to act in that Commiſſion, he was ſo diſſatisfyed with the Proceedings againſt his Brethren, that he would concern himſelf no further therein, and Writ the following Letter to the other Commiſſioners.

The Biſhop of Rocheſter's *Letter to the Eccleſiaſtical Commiſſioners.*

My LORDS,

I Deſire a favourable Interpretation of what I am going to write to you, ſince your Lordſhips are reſolved to proſecute thoſe who have not read the King's Declaration, it is impoſſible for me to ſerve his Majeſty any longer, in quality of a Commiſſioner. I am obliged to tell you, That tho I have my ſelf obeyed his Majeſty's Orders, and cauſed the Declaration to be read, nevertheleſs I will never contribute to the puniſhing of thoſe my Brethren, who have not read it. For as I take God to Witneſs, that I have done nothing therein, but by a Principle of Conſcience; ſo I am fully perſwaded, that they have acted what they did from the ſame Principle. I cannot entertain any other Opinion of all the Clergy, who, upon all occaſions, have given Marks of their Fidelity to the Crown, and of their Zeal and Affection for his Majeſty's Perſon, even in the moſt difficult times. The ſafety of the Church of *England* ſeeming to be in danger by this proſecution, I find my ſelf obliged to declare, That I cannot with a good Conſcience, be a Judge in the Cauſe of ſo many excellent Men, of Exemplary Piety, with whom, were it the Will of God, I ſhould rather chuſe to ſuffer, then any manner of way be an Inſtrument of their Sufferings; I therefore, my Lords, earneſtly

earneſtly intreat you, to intercede for me with his Majeſty, that he would have the goodneſs to allow me leave to withdraw from among you, and to aſſure him at the ſame time, That I ſhall be always ready to ſacrifice all I have for his Service, except my Conſcience and my Religion. I am, 1688

My LORD,

Your Lordſhips moſt humble, and moſt

Obedient Servant,

THOMAS ROFFEN.

The Marquiſs of Albeville's *Memorial to the States about a ſtricter Alliance.*

THE under-written Envoy Extraordinary of the King of *Great Britain*, having received Orders to repreſent to your High and Mightineſſes, that altho' his Majeſty did believe, that the Declaration he had already made to your Ambaſſador in *England*, of there being no Treaty between him and the Moſt Chriſtian King, than thoſe that are in publick and in Print, and that the Orders which he gave to his ſaid Ambaſſador upon that Subject, might have ſatisfy'd your Lordſhip therein; nevertheleſs no Addreſs nor Artifice has been wanting to make the World believe, that the King my Maſter hath entred into other Treaties and Alliances with the moſt Chriſtian King: His Majeſty to make it appear what regard he has to the Friendſhip and Allyances that are between him and your Lordſhips, and how deſirous he is of the Continuance of them, hath commanded his ſaid Envoy Extraordinary, to aſſure your Lordſhips, in his Name, that there are no other Treaties between his Majeſty and the moſt Chriſtian King, but ſuch as are Publick and in Print: And moreover, that as his Majeſty earneſtly deſires the Preſervation of the Peace and Repoſe of Chriſtendom, ſo he will be very ready to concert the propereſt Meaſures with your Lordſhips, for maintaining the Treaty of *Nimeguen*, and the Twenty Years Truce made in the Year 1684.

The

1688

The Petition of the Lords Spiritual and Temporal for the Calling of a Free Parliament; together with his Majeſties gracious Anſwer to their Lordſhips.

To the King's moſt Excellent Majeſty.

May it pleaſe your Majeſty,

WE your Majeſty's moſt Loyal Subjects, in a deep Senſe of the Miſeries of a War now breaking forth in the Bowels of this your Kingdom, and of the danger, to which your Majeſty's Sacred Perſon, is thereby like to be expoſed, and alſo of the Diſtractions of your People, by reaſon of their preſent Grievances, do think our ſelves bound in Conſcience of the Duty we owe to God, and our Holy Religion, to your Majeſty and our Country, that in our Opinion, the only viſible way to preſerve your Majeſty, and this your Kingdom, would be the calling of a Parliament, Regular and free in all its Circumſtances.

We therefore do moſt earneſtly beſeech your Majeſty, that you would be graciouſly pleaſed, with all ſpeed to call ſuch a Parliament, wherein we ſhall be moſt ready to promote ſuch Counſels and Reſolutions of Peace and Settlement in Church and State, as may conduce to your Majeſty's Honour and Safety, and to the quieting the Minds of your People.

We do likewiſe humbly beſeech your Majeſty, in the mean time, to uſe ſuch means for preventing the Effuſion of Chriſtian Blood, as to your Majeſty ſhall ſeem moſt meet.

W. Canterbury.
Grafton.
Ormond.
Dorſet.
Clare.
Clarendon.
Burlington.
Angleſey.
Rocheſter.
Newport.
Wm. Ebor.
William Aſaph.
Francis Ely.
Thomas Roffen.
Thomas Peterborough.
Thomas Oxon.
Paget.
Chandois.
Oſulſton.

Preſented by the Archbiſhop of *Canterbury*, the Archbiſhop of *York* Elect, the Biſhop of *Ely*, and the Biſhop of *Rocheſter*. November 17th. 1688.

His

His Majeſty's moſt gracious Anſwer.

My Lords,

WHAT *you ask of me, I paſſionately deſire: And I promiſe you,* Upon the FAITH of a KING, *that I will have a Parliament, and ſuch an one as you ask for, as ſoon as ever the Prince of* Orange *has quitted this Realm; for how is it poſſible, a Parliament ſhould be free in all its Circumſtances, as you petition for, whilſt an Enemy is in the Kingdom, and can make a Return of near a hundred Voices.* 1688

The Lords Petition, with the King's Anſwer may be Printed, *November* 29. 1688.

The Lord de la Mere's *Speech.*

THE occaſion of this is to give you my Thoughts upon the preſent conjuncture, which concerns not only you, but every Proteſtant and free-born Man of *England*, I am confident that wiſhes well to the Proteſtant Religion, and his Country; and I am perſwaded, every Man of you thinks both in danger, and now to lie at ſtake. I am alſo perſwaded, that every one of you will rejoyce to ſee Religion and Property ſettled, if ſo be I am not miſtaken in my Conjectures concerning you: Can you ever hope for a better occaſion, to root out *Popery* and *Slavery*, than by joyning with the Prince of *Orange*, whoſe Propoſals contain and ſpeak the Deſires of every Man that loves his Religion and Liberty? And in ſaying this, I will invite you to nothing but what I do my ſelf; and I will not deſire any of you to go any farther than I will move my ſelf, neither will I put you upon any danger where I will not take ſhare in it. I propoſe this to you, not as you are my Tenants, but my Friends, and as you are Engliſh-men. No Man can love fighting for its own ſake, nor find any Pleaſure in Danger; and you may imagine, I would be very glad to ſpend the reſt of my days in Peace, I having had ſo great a ſhare in Troubles; but I ſee all lies at ſtake, I am to chuſe whether I will be a Slave and a Papiſt, or a Proteſtant and a Free-man; and therefore the caſe being thus, I ſhall think my ſelf falſe to my Country, if I ſit ſtill at this time: I am of Opinion, that when the Nation is deliver'd, it muſt be by Force, or by Miracle; it would be a great Preſumption to expect the latter, and therefore our Deliverance muſt be by Force, and I hope this is the time for it: A Price is now

put

1688 put into our Hands, and if it miſcarry for want of Aſſiſtance, our Blood is upon our own Heads; and he that is paſſive at this time, may very well expect that God will mock when the fear of Affliction comes upon him, which he thought to avoid by being indifferent.

If the King prevails, farewell Liberty of Conſcience, which has hitherto been allowed, not for the ſake of the Proteſtants, but in order to ſettle Popery. You may ſee what to expect if he get the better; and he hath lately given you of this Town, a taſte of the Method whereby he will maintain his Army; and you may ſee what ſort of People he intends his Army to conſiſt of, and if you have not a mind to ſerve ſuch Maſters, then ſtand not by and ſee your Country-men periſh, when they are endeavouring to defend you.

I promiſe this, on my Word and Honour, to every Man that goes along with me, that if he fall, I will make his Leaſe as good to his Family as it was when he went from home. The thing then which I deſire, and your Country does expect from you, is this, That every Man that hath a tolerable Horſe, or can procure one, will meet me on *Baden-Downs* to morrow where I rendevouz, but if any of you is rendred unable by reaſon of Age, or any other juſt Excuſe, that he would mount a fitter Perſon, and put five Pounds in his Pocket; thoſe that have not, and cannot procure a Horſe, let them ſtay at Home, and aſſiſt with their Purſes, and ſend it to me with a particular of every Man's Contribution. I impoſe upon no man, but let him lay his Hand on his Heart, and conſider what he is willing to give to recover his Religion and Liberty, and to ſuch I promiſe, and to all that go along with me, that if we prevail, I will be as induſtrious to have him recompenſed for his Charges and hazard, as I will be to ſeek it for my ſelf: This Advice I give to all that ſtay behind, that when you hear the Papiſts have committed any Outrage, or any riſing that you will get together; for 'tis better to meet your Danger than to expect it: I have no more to ſay, but that I am willing to loſe my Life in the Cauſe, if God ſee it good, for I was never unwilling to die for my Religion and Country.

December. 1688

To the King's moſt Excellent Majeſty.

The humble Addreſs of George, *Lord* Dartmouth, *Admiral of your Majeſty's Fleet, for the preſent Expedition, and the Commanders of you Majeſty's Ships of War, now actually at* Spithead, *in your Majeſty's Service, under his Lordſhip's Command.*

Moſt dread Sovereign,

THE deep Senſe we have of the great Danger your Majeſty's ſacred Perſon has been in, and the great effuſion of Chriſtian Blood, that threatned theſe your Majeſty's Kingdoms, and in probability, would have been ſhed, unleſs God, in his Infinite Mercy, had not put it into your Majeſty's Heart to call a Parliament, the only means, in our Opinion, under the Almighty, left to quiet the Minds of your People, we do give your Majeſty our moſt humble and hearty Thanks for your gracious Condeſcention, beſeeching God Almighty, to give your Majeſty all imaginable Happineſs and Proſperity; and grant that ſuch Counſels and Reſolutions may be promoted, as may conduce to your Majeſty's Honour and Safety, and tend to the Peace and Settlement of this Realm, both in Church and State, according to the Eſtabliſhed Laws of the Kingdom.

Dartmouth.
Berkley.
Ro. Strickland.

F. Berry.
Fo. Beverley.
John Leake.
George St. Lo.
John Lacon.
Fr. Wicell.
Will. Davis.
John Munden.
Tho. Legg.
Tho. Leighton.
S. Akerman.
W. Cornwall.
W. Fenning.
John Clements.
Fo. Aſhby.
Robert Wiſeman.
John Feniper.
Will. Booth.
Tho. Coale.
R. de la Val.
Tho. Johnſon.
M. Aylmer.
Fr. Frowde.
Tho. Skelton.
Ab. Potter.
A. Haſtings.
John Montgomery.
M. Tonnant.
Clo. Shovel
E. Dover.
R. Weſton.
W. Botham.
F. Tyrrel.
S. Fairborne.
Henr. Bowler.
Will. Pooley.
Fo. Fraſeby
Ba. Wild.

A Letter about the Iriſh *Allarm.*

SIR,

1688 HAving peruſed your Life of K. *James* 2. with which I was extreamly well pleaſed, and think the World much obliged to you for the Candor and Sincerity you have ſhewn therein, I cannot however omit taking notice to you of ſome remarkable Paſſages which happened in our Parts, and of which I can bear Teſtimony, relating to the *Iriſh* Regiment, and the Alarm occaſioned by them, as well as that Unfortunate Prince's being at *Feverſham* and *Rocheſter*, before he went away for *France*.

The King before he withdrew from *White-hall*, ſent a Regiment of *Iriſh* to quarter in *Stroud*, *Rocheſter* and *Chatham*, the Officers of which reſorted, as being the chief Quarters, to the Crown at *Stroud*; the Maſter of the Houſe was a Native of *Maidſtone* in *Kent*, but going over young into *Ireland*, where he lived about thirty Years, and marryed an *Iriſh* Woman, tho he ſpoke that Language very well, he pretended he could not, and therefore uſed the Engliſh Tongue altogether, however the Officers called him Country-man, and demeaned themſelves civilly in the Place: But when the ſurprizing News came to them of the King's withdrawing from *White-hall*, they having expected every moment to be ſent for, they held a Conſultation what they ſhould do, and reſolved at their departure, to ſet fire to *Chatham*, *Rocheſter* and *Stroud*, and to begin with the Dock and the Churches. Now this being over-heard by their Landlord where the Conſultation was held, he preſently informed the Miniſter of the Pariſh, and the Neighbourhood of it, who thereupon with all the privacy imaginable, got Arms and Men into the Churches, and they in *Chatham* Yard doubled their Guard or Watch.

In the mean time the King, with Sir *Edward Hales*, being come privately to the *Horn* at *Chatham*, very early the Morning ſent for the *Iriſh* Regiment to come thither, ordering a Regiment of *Engliſh*, that kept guard at *Tilbury* and *Graveſend* into their room: Now the noiſe of burning purſued the *Iriſh* to *Graveſend*, where a knot of them behaving themſelves inſolently, and inſtead of paying the Landlady for a Bowl of Punch they had drank, threatning to cut her Husband's Throat, and that ſhe ſhould hold the Baſon: Mr. *Stacey* the Mayor, at her out-cry, went thither with a Guard, and having pacify'd matters, and got the Woman paid, The *Iriſh* Officers thereupon that very Evening, preſſed all the Boats and Barges about *Graveſend*, and taking their Regiment on board about an hour and half be-

fo

fore high-water, the Town being much alarmed herewith, 1688
Mr. *Stacey* the Mayor, the Old Mayor, who was then a Juſtice of the Peace, Mr. *G*—— Captain *W*—— and others, conſulting what to do for the preſervation of the Place, eſpecially in that there were ſeveral Straglers up and down the Town, and very few left in the Fort, with a Deſign as they apprehended, to ſet it on fire, and to cut the Peoples Throats; they took care, in the firſt place, to ſeize and confine them in the Church, and to poſt a ſtrong Guard upon the Bridge, leſt the Regiment on Board, who ſeemed to ſail towards *London*, ſhould, now the Tide was almoſt ſpent, return and fall upon them. At the ſame time the Old Mayor took upon him to allarm the Country, that the *Iriſh* were come to cut their Throats at *Graveſend*: This diſmal Cry was by two or three next Morning ſpread eight Miles round the place, ſo that every body armed, and ſeized all Strangers, and the Hills were covered by break of day with Multitudes, that went to the aſſiſtance of *Graveſend*.

In the mean while the following Adventure happened between the Townſmen at the Bridge, and the *Iriſh* from the Water, the laſt of which having carryed Captain *Sinclair*, the Deputy Governour of *Graveſend*, along with them, and according to order, ſeized the beſt Ship they could meet with, which happened to be the *Aſia* bound for *Turkey*; they required the Sailors to weigh Anchor and Sail, who making Anſwer, they could not without a Pilot; the *Iriſh* Commander got an Ax and cut the Cable, which now upon the turn of the Tyde ſet the Ship afloat; upon which the Seamen and Deputy-Governour crying out, they ſhould be drowned for want of a Pilot, the *Iriſh* thereupon mann'd ſeveral Boats, the firſt of which attempting to land at the Bridge to fetch a Pilot, the Mayor offered they ſhould, provided they laid down their Arms, but the *Iriſh* Commander ſwearing they came not thither upon that intent, ordered his Men to fire upon the Townſmen, who returning the ſame into the Boats, many of the *Iriſh* were ſlain, and the reſt ſurrendred themſelves Priſoners, and were ſecured in the Church, while the reſt of the Boats turned tail and fled.

The Townſmen far enough from being diſcouraged with the loſs of five of their Men killed oughtright, and two or three wounded in this Action, but rather elevated with ſucceſs, ſent a few Men over in order to take care of *Tilbury* Fort, wherein, finding 16 or 17 *Iriſh*, who had heard the Skirmiſh at *Graveſend*, and were diſcouraged with the belief that the Regiment was not able to ſupport them, they were perſuaded to lay down their Arms, and carried Priſoners to *Graveſend*.

1688 While this was doing, the Townſmen ſent a Boat to the *Iriſh* to ſummon them to ſurrender the Ship, but they, inſtead of complyance, firing at the Boat, the Townſmen on their part loaded their Guns, and having hit the Ship, the *Iriſh* to ſave themſelves, ran up into the Shrouds, from whence to their Amazement, ſeeing the Shoar and the Hills full of Armed Men ready to oppoſe their landing, and ſoon after receiving a Cannon-ball from the Fort that fell among the Shrouds, they began now to deſpair of their own ſafety, and were eaſily induced by the Perſwaſion of the Deputy Governour, to ſend him a-ſhoar to make Terms for them, after which they ſoon ſubmitted.

The Allarm was not only at *Graveſend* and the neighbouring parts, but the City of *Canterbury* now made application to the Earl of *Winchelſea* for its ſafety, and my Lord having heard of the King's abſenting himſelf, ordered the Gates to be ſhut, which his Majeſty, who was mounted and upon the Road having Intelligence of, Sir *Edward Hales* conducted him to the Water ſide, and having agreed with the Maſter of a Smack to carry him for five Pounds ſo far as within Land reached but to give him thirty if they went over the Sea, the Veſſel, for want of Ballaſt was forced to ſtay near *Feverſham* where the Oyſter-men obſerving by ſome part of a Cloak hanging over the ſide of it, that there were in all likelyhood ſome Perſons there who intended to make their eſcape out of the Land, and having noiſed this abroad, the Mob at *Feverſham* was quickly up, and going a-board the Smack, one *Moon* by Name, begged he might carry the King a-ſhoar tho he knew him not, but every body knew Sir *Edward Hales*, who ſaid unto *Moon*; Moon, *have a care of the Old Gentleman*: *Moon* hereupon taking the King on his Back as he carried him along, ſaid, *Ah Father, thou haſt a Pope in thy Belly as big as a two Yearling Calf*: The King being brought into the Town, the Mob and trained Bands ſwarmed about him, but none of them knew him, till a Baker who had been Mayor of *Feverſham* the Year before, came into the Room where he was, and falling down upon his Knees, begged his Pardon, as then all the reſt did who were preſent, of which *Moon* was one, to whom the King ſingly ſaid, *I do forgive thee, but I ſhall never forget thee.*

I need not, Sir, take notice to you of the King's being after this invited by the Lords to come back to *London*, his going thither, and ſecond and laſt withdrawing himſelf; you have been very particular in thoſe matters, but I muſt obſerve one thing to you, when he came laſt to *Rocheſter*, that has not been incerted, and that is, That the *Dutch* Guard which attended him thither, having poſted themſelves at the Gates, the Mayor of the Town feigned himſelf ſick, ſo that the King, who lodged at Sir *Richard Heads*, was there ten

tended by *Patrick Mackleon*, the Conſtable, at what time the King's Guards came after him, and demanding Quarters of the Conſtable, *Mackleon* applyed himſelf to his Majeſty thereupon, and having communicated to them the Directions he received from him, they returned Anſwer, *That they had not come thither by his Command, neither would they be removed by his Order.* This put his Majeſty upon taking new Meaſures, and having writ his *Reaſons for withdrawing himſelf*, which you have in your Book, he privately took Boat next Moning at *Black-ſtakes*, and retired into *France*. 1688

Sir, I doubt I have been too tedious, for which I beg your pardon; you may make what uſe you pleaſe of this, and aſſure your ſelf that I am, and ever ſhall be ready to ſerve you, Whilſt I am

Wilmington, April 11. 1703. *W. B.*

THE

Deſertion Diſcuſs'd.

In a Letter to a Country Gentleman.

SIR,

I Don't wonder to find a Perſon of your Senſe and Integrity ſo much ſurpriſed at the Report of the Throne's being declared Vacant, by the lower Houſe of the Convention: *For how (*ſay you*) can the Seat of the Government be empty, while the King, who all grant had an unqueſtionable Title, is ſtill Living, and his Abſence forced and involuntary? I thought our Laws, as well as our Religion, had been againſt the Depoſing Doctrine; therefore I deſire you would Expound this State Riddle to me, and give me the Ground of this late extraordinary Revolution.* In anſwer to your Queſtion, you may pleaſe to take notice, That thoſe Gentlemen of the Convention, and the reſt of their Sentiments, who declare a Vacancy in the Government, lay the main ſtreſs of their Opinion upon his Majeſty's withdrawing himſelf: For now, eſpecially ſince the Story of the *French League*, and the Buſineſs of the Prince of *Wales*, are paſſed over in ſilence, moſt Men believe that the

1688 pretended breach of that which they call *The Original Contract* was designed for no more than a popular Flourish.

And that you may not be shocked by seeing the Votes of so considerable and publick a Meeting debated by a private hand, give me leave to remind you, That a Parliament and a Convention, are two very different things; the latter, for want of the King's Writs and Concurrence, having no share in the Legislative Power. If it's urged, That the present Posture and Exigence of Affairs, is a sufficient Dispensation with the usual Preliminaries and Forms in Parliament. To this I am oblieged to answer, That this pretended Necessity is either of their own Making, or of their own submitting to, which is the same thing; and therefore ought not to be pleaded in Justification of their Proceedings. For if his Majesty had either not been driven out of his Dominions, or invited back upon honourable Terms, they need not to have had recourse to these singular Methods. And since they have neither the Authority of Law or Necessity, to support their Determinations, I hope they will not think themselves disobliged, if they are inquired into, and some part of that Liberty which they have taken with his Majesty be returned upon themselves. For all private and unauthorised Opinions are to be regarded no farther than they prove their Point. Like Plate without the Royal Impression, they ought not to be obtruded for currant Coin; nor rated any higher than the intrinsick value of the Mettal. Let us examine threfore, if his Majesty has done any think which imports, either in it self, or by necessary consequence, That he has voluntarily resigned his Crown, and discharged his Subjects of their Allegiance. Now the Author of *The Enquiry into the present State of Affairs, &c.* for whose Judgment the Commons seem to have a very great regard, as appears from their concurrence with him: For their most considerable Votes are, in a manner, transcribed from his 11th Paragraph. This Author tells us Pag. 5. *That when a King withdraws himself, and his Seals without naming any Persons to represent him, the Government is certainly laid down and forsaken by him.* Though afterwards he is so good natur'd as to add, *That if any imminent present Danger, or just Fear, (though indeed a King can never be decently suspected of that;* I suppose his Reason is, because Kings are invulnerable*) had driven his Majesty away, it might seem a little too hard to urge this too much.*

In order to the confuting this Notion, I shall prove in the

First place, That his Majesty, before his withdrawing, had sufficient Grounds to make him apprehensive of Danger, and therefore it cannot be called *an Abdication.*

Secondly

Secondly, That the leaving any Repreſentatives behind him was impracticable at this Juncture. 1688

Thirdly, That we have no Grounds, either from the Laws of the Realm, or thoſe of Nature, to pronounce the Throne void, upon ſuch a Retreat of a King.

But before I do this, its not improper to obſerve, That this pretence of a Demiſe, if it ſignifyed any thing, cannot affect *Scotland* or *Ireland*: Not the firſt, For there his Majeſty's Commiſſioners acted in the uſual manner, till they were diſturbed: Nor the ſecond, For that Kingdom continues ſtill under the Regular Adminiſtration of the Lord Lieutenant. Neither is it ſufficient to ſay, That *Ireland* is an Appenage to the Crown of *England*, and therefore it muſt follow its Revolution. For allowing a Demiſe was really conſequent upon a Failure of Seals and Repreſentatives, yet there would be no colour to apply it to a Caſe where there was no ſuch Omiſſion. For no Forfeiture ought to be ſtretched beyond the Reaſon upon which it is grounded. But this only by the way, I ſhall proceed to prove the firſt thing propounded, *viz.* That his Majeſty, before his withdrawing, had ſufficient Grounds to make him apprehenſive of imminent Danger.

We are now fallen upon Times in which the moſt extravagant and almoſt impoſſible Things are ſwallowed without chewing, and the plaineſt Truths outfaced and denyed; as if Evidence was an Argument againſt Proof, and Abſurdities the only Motives of Credibility: So that now, if ever, we ſeem fit for Tranſubſtantiation. Had not ſome Men believed this true, in a great meaſure, they would never have diſputed againſt matter of Fact, which was done almoſt in the Face of the whole Kingdom. To ſpeak to the preſent Caſe; Had not his Majeſty great reaſon to retire, to ſecure his Perſon and his Honour, at his firſt withdrawing from *Whitehall*? which is the time from which our Author dated his pretended Deſertion (for he will not allow him to be King at his return) I ſay, had not his Majeſty great Reaſon to retire when he had met with ſo many unfortunate Diſappointments, with ſo many ſurpriſing and unparallel'd Accidents? When part of the Army was revolted, and the remainder too apparently unſerviceable? When the People had ſuch fatal and unremoveable Prejudices againſt his Majeſty's Service? When there were ſuch terrible Diſorders in the Kingdom, and all places were either flaming or ready to take Fire? What ſhould a Prince do, when he had ſcarce any thing left him to loſe but himſelf, but conſult his Safety, and give way to the irreſiſtible Evil? But our Author pretends the King's Affairs had a much better Aſpect; Let us obſerve how he proves it. Why he tells us, *That when the Prince of* Orange's *Propoſals came to his Majeſty, the Army and the Fleet were left*

1688 *in his Hands.* They were ſo, that he might pay them for the Prince's Service; for they owned his Majeſty's Authority ſcarce any other way than by receiving his Money, and eating up his Meat. (It's to be hoped they have ſince repented of their Actions) But the Enquirer goes on with his Inventory of *Forts and Revenues*, which the King was to have ſtill. He may know, if he pleaſes, that we have but four conſiderable Forts in the Kingdom. Now *Hull* and *Plymouth* had already diſpoſed of themſelves, and the Tower of *London* was demanded for the City; ſo that there was none but *Portſmouth* remaining. And as for the *Revenues*, 'tis to be feared, the Northern Collections would have been almoſt as ſlender as thoſe in the Weſt. And now one would think our Father began to relent: For he owns, *That ſome things which the Prince of* Orange *propoſed, may be called hard*; *viz.* his demanding *that the Laws againſt Papiſts which were in Imployment might be executed.* But the Enquirer is much miſtaken, if he thinks the Prince of *Orange* inſiſted upon no more than the bare Execution of the Law in this point. For the Disbanding of all Papiſts (which was part of his Propoſals) is much more than what the Laws require; by which the Papiſts are only excluded from Offices of Command and Truſt. But neither the Teſt-Acts, nor any others bar the King from Liſting them as common Souldiers. And laſtly, to deliver up his beſt Magazine, and the ſtrength of his Capital City, to be obliged to pay a Foreign Army, which came over to enable his Subjects to drive him out of his Dominions, were very extraordinary Demands, and looked as if there was a Deſign to reduce him as low in his Honour, as in his Fortune. To forgive a Man who endeavoured to Ruin me, is great Chriſtian Charity; but to Article away my Eſtate to him, becauſe he has Injured me, is ſuch a Mortification as no Religion obliges me to. This is in effect to Betray our Innocence, and Sign away the Juſtice of our Cauſe, and own that we have deſerved all that hard Uſage which has been put upon us; ſo that it's eaſie to imagine what an unconquerable Averſion the Spirit of Princes muſt needs have to ſuch an unnatural Penance. In ſhort, when the Forts and Revenue were thus diſpoſed of; when the Papiſts were to be Disbanded, and the Proteſtants could not be truſted; when the Nation was under ſuch general, and violent Diſſatisfactions: when the King in caſe of a Rupture, (which was not unlikely) had nothing upon the Matter but his ſingle Perſon to oppoſe againſt the Prince's Arms, and thoſe of his own Subjects; when his mortal Enemies, and thoſe who were under the higheſt Forfeitures to his Majeſty, were to ſit Judges of his Crown and Dignity, if no farther; when Affairs were in this Tempeſtuous Condition, To ſay that a Free and Indifferent Parliament might be choſen,

with

with relation to the King's Right, as well as the Peoples, and that his Majeſty *had no juſt viſible cauſe to apprehend himſelf in Danger*, is to out-face the Sun, and to trample upon the Underſtandings, and almoſt upon the Senſes of the whole Nation. 1688

2. It's not improper to examine what doughty Reaſons the Enquirer advances to prove, the *King's coming from* Feverſham *to* White-hall *to be no return to his People*. The Reaſon of his affirming this is apparent; He is ſenſible what ſingular uſage his Majeſty met with, and therefore he would fain unking him, that it might the better ſuit with his Character. But, pray, what had the King done to incur a Forfeiture by his firſt Retirement? Had he quitted the Realm? If that was material, it cannot be alledged, for his Majeſty was no farther off than the Coaſt of *Kent*. Did he refuſe to take care of his People any longer, when the Lords went down to Viſit him to *White-hall*? No: If he had, he would not have come back when he was at his Liberty. His return, after ſome Aſſurances of fair Treatment, is a plain diſcovery of the Motives of his withdrawing; and that he came up with an intention to Govern. For, I believe, few People imagine that his Majeſty would take ſuch a Journey only to have *Dutch* Guards clapp'd upon him; to be hurried out of his Palace, and carried Priſoner down the *Thames* at Noon Day. But *the Seals never appeared*. What time was there for them in 24 Hours? Beſides there was an Order of Council with his Majeſty at the Head of it, for ſuppreſſing the Mobile, Dated *December* 18, which was the next Day after his Majeſty's return. And when he was ſent back to *Rocheſter*, he might plainly perceive his Government was at an End for the preſent. For the *Tower* was Garriſon'd by Foreign Forces: The Lords publiſhed an Order by their own Authority, to oblige the Papiſts to depart the Town: The City made an Addreſs to the Prince of *Orange*, which was a Vertual acknowledgment of his Power; and Aſſociations came up to that purpoſe out of the Country; (*Cambridge-ſhire* Addreſs) not to omit that his Majeſty was denyed a ſmall Sum of his own Gold to heal with; as if they had rather poor People ſhould periſh with Boyles and Ulcers, than ſhew common Juſtice and Humanity to their King. From all theſe remarkable Circumſtances, his Majeſty might eaſily gueſs how they intended to diſpoſe of him: For no Man in his Sences, who has treated a Prince ſo contemptuouſly in his own Kingdom, will ever permit him either Power, or Liberty, for fear he ſhould remember his former Uſage. From what has been ſaid, it's moſt evident, that his Majeſty had all imaginable reaſon to provide for his own Security in ſome other Country.

1688 And since his Majesty had sufficient reasons to withdraw, there can be no pretence for Abdication: For we are to observe, that to Abdicate an Office, always supposes the Consent of him who Quits it. That this is the signification of the Word *Abdico*, appears from *Tully*, *Salust*, and *Livy*; to which I shall only add the Learned *Grotius*, *de Jure Belli*, &c. *Libr.* 1. *Cap.* 4. *Sect.* 9. Where he makes Abdicating the Government, and plainly giving it up, to be *Terms* of the same importance.

And to prevent unreasonable Cavils, he adds, that a Neglect, or Omission in the Administration of the Government, is by no means interpreted a Renunciation of it. We have but two Instances with us which looks like an Abdication since the Conquest, which are in the Reign of *Edward* II. and *Richard* II. both which were unjustly Deposed by their Subjects. However they did not renounce their Allegiance, and declare the Throne void, till they had a formal Resignation under the Hands of both those unfortunate Princes. And hence it appears how unlucky our Enquirer is at citing the Laws. For *Pag.* 12. He tells us, *That since these two Princes have been judged in Parliament for their Male Administration, and since these Judgments have never been vacated by any subsequent Parliament, these Proceedings are part of our Law.* From hence I observe,

1. That our Author contradicts himself. For here he owns that Male Administration is sufficient to warrant Deposition, and Resistance. But in his Enquiry into the Measures of Submission, &c. (For both these Papers are generally supposed to come from the same Hand) *Pag.* 5. *Par.* 14. He is much kinder to the Crown; for there he asserts, *That it is not lawful to resist the King upon any pretence of ill Administration, and that nothing less than subverting the Fundamentals of Government will justify an Opposition.* Now I am much mistaken, if Deposing of Kings is not Resisting them with a Witness. But besides his Self-contradiction, the case is not to his purpose: For,

1. These Parliaments were called in tumultuous times, when the Subjects were so hardy as to put their Kings under Confinement. Now if it is against the Constitution of Parliaments to Menace the Two Houses out of their Liberty of Voting freely, then certainly Kings ought not to be over-awed by Armies and Prisons. These Parliaments therefore are very improper to make Precedents of.

2. These Princes were wrought upon so far as to resign their Crowns, which each of them did, though unwillingly; let this Enquirer produce such a Resignation from His Majesty, and he says something.

3. He is much mistaken in saying *these judgments*, as he calls them, *have not been vacated by subsequent Parliaments*

For

For all those subsequent Parliaments, which declare it Unlawful to take up Arms against the King, do by necessary implication condemn these Deposing Precedents; for it's impossible for Subjects to Depose their Princes without Resisting them. 1688

2. By Act of Parliament the First of *Edward* 4. yet remaining at large upon the Parliament Rolls, and for the greater part recited *verbatim* in the Pleadings in *Bigget*'s Case, in the Year Books (*Trin. Term.* 9. *Edw.* 4.) The Title of *Edw.* 4. by Descent, and Inheritance, is set forth very particularly; and that upon the Decease of *Rich.* 2. the Crown by Law, Custom, and Conscience, Descended and belonged to *Edmund*, Earl of *March*, under whom King *Edw.* 4. claimed.

It is likewise further declared, That *Hen.* 4. *against Law, Conscience, and Custom of the Realm of* England, *Usurped upon the Crown and Lordship thereof, and* Hen. 5. *and* Hen. 6. *occupied the said Realm by Unrighteous Intrusion, and Usurpation, and no otherwise.*

And in 39 *Hen.* 6. *Rot. Parl.* when *Richard Plantagenet*, Duke of *York*, laid claim to the Crown, as belonging to him by right of Succession it was.

1. Objected in behalf of *Hen.* 6. that *Hen.* 4. took the Crown upon him as next Heir in Blood to *Hen.* 3. not as Conqueror.

To this it was Answered, That the pretence of Right as next Heir to *Hen.* 3. was false, and only made use of as a Cloak to shadow the violent Usurpations of *Hen.* 4.

2. It was objected against the Duke of *York*, That the Crown was by Act of Parliament Entailed upon *Hen.* 4. and the Heirs of his Body, from whom King *Hen.* 6. did Lineally Descend. *The which Act* (say they, as it is in the Record) *is of Authority to defeat any manner of Title.* To which the Duke of *York* replied; *That if King* Hen. 4. *might have obtained, and enjoyed the Crowns of* England *and* France *by Title of Inheritance, Descent, or Succession, be neither needed, nor would have desired, or made them to be granted to him in such wise, as they be by the said Act, the which takes no place, nor is of any Force or Effect, against him that is right Inheritor of the said Crown; as it accordeth with God's Laws, and all natural Laws.* Which Claim and Answer of the Duke of *York*, is expressly acknowledged and recognized by this Parliament, to be *Good, True, Just, Lawful and Sufficient.* Cotton's Abridgement. Fol. 665, 666.

From these Recognitions it plainly follows,

1. That the Succession cannot be interrupted by an Act of Parliament, especially when the Royal Assent is given by a King *De Facto*, and not *De Jure*.

2. The Act 9. of *Edw.* 4. by declaring the Crown to Descend

1688 Deſcend upon *Edmund* Earl of *March*, by the Deceaſe of *Rich.* 2. does evidently imply, That the ſaid *Richard* was rightful King, during his Life, and conſequently that his Depoſition was Null and Unlawful.

If it's demanded, Why his Majeſty did not leave *Seals and Commiſſioners* to ſupply his Abſence? This Queſtion brings me to the Second Point, *viz.* to ſhew,

That the leaving ſufficient Repreſentatives was impracticable at this Juncture. For

1. When the Nation was ſo much embroiled, and the King's Intereſt reduced to ſuch an unfortunate Ebb; it would have been very difficult, if not impoſſible, to have found Perſons who would have undertaken ſuch a dangerous Charge. The Man muſt have had a Reſolution of an extraordinary Size who would venture upon Repreſenting a Prince who had been ſo much diſreſpected in his own Perſon; whoſe Authority had been ſet aſide, and his Ambaſſador clapt up at *Windſor*, when he carried not only an inoffenſive but an obliging Letter. But granting ſuch a Repreſentation had been ingaged in; the Commiſſions muſt either have extended to the Calling of Parliaments, or not; if not, they would neither have been Satisfactory, nor abſolutely neceſſary. Not ſatisfactory, For the want of a Parliament was that which was accounted the great Grievance of the Nation, as appears from the Prince of *Orange*'s Declaration. Where he ſays expreſly, *That his Expedition is intended for no other Deſign but to have a Free and Lawful Parliament aſſembled, as ſoon as is poſſible.* Declar. p. 12.

Secondly, This Expedient was not abſolutely neceſſary; for the Adminiſtration of Juſtice might have proceeded Regularly, without any ſuch Deputation, by Virtue of thoſe Commiſſions which the Judges and Juſtices of the Peace had already from the King. This I ſhall prove,

1. From a parallel Inſtance; King *Charles* the I. took a Journy into *Scotland* in 41, during the Seſſion of Parliament at *Weſtminſter*; where, tho he appointed Five Lords to ſign Bills in his Name, (the Continuation of *Bak. Chron.*) yet the Judges and Juſtices acted by virtue of their former Commiſſions, without any new Authority from any Repreſentatives of his Majeſty. Now *Scotland* is as much a diſtinct Kingdom from *England*, as *France*; and *France* as much his Majeſty's Dominions as *Scotland*: And therefore if Commiſſions will hold in the King's Abſence in one Place, why not in the other?

Secondly, The preſent Judges met in *January* laſt at *Weſtminſter*, to diſpatch ſome Buſineſs in order to keep the Term, but were forbidden to proceed by the Prince of *Orange*'s Secretary: So that it is plain, it was the Opinion of theſe Reverend

verend Judges, that their Commiſſions from his Majeſty were ſtill in force. But in the next place, 1688

If his Majeſty had deputed any Perſons to repreſent him in Parliament, this Method would have been attended with new and inſuperable Difficulties. For,

1. If they had been limited they would not have given ſatisfaction: For it being impoſſible to foreſee the Buſineſs and Votes of a Parliament at a diſtance, If they had been reſtrained to certain Points, in all probability they would have wanted Power to have paſſed all the Bills, and ſo their Deputation would not have anſwer'd the Deſire of the Houſes, and the greateſt part of their Grievances might have been counted unredreſſed. If its ſaid that the Parliament might have requeſted an Enlargement of their Commiſſion from his Majeſty. To this I Anſwer, That the Convention may ſend to his Majeſty for an Expedient now if they pleaſe, And, I hope, they will; for I hear his Majeſty has been ſo gracious as to ſend to them. But,

2. If theſe Commiſſioners were unlimited, it would be in their Power to do a great many things prejudicial to the Crown: In ſuch a caſe they might alter the Monarchy into a Common-wealth, or Sign the Depoſing of his Majeſty, if ſuch Bill ſhould happen to be offered. And though there may be many Perſons of Honour, and Conſcience enough, to lodge ſuch a Truſt with; Yet in regard his Majeſty has been lately miſtaken in ſome, of whoſe Fidelity he had ſo great an Aſſurance, he has ſmall encouragement to be over-confiding for the future. Indeed no wiſe Prince will truſt ſo vaſt a Concern as a Kingdom, with the Honeſty of another, eſpecially when many of his Subjects are Diſaffected, and in a Ferment. So that nothing can be more unreaſonable than to expect ſuch Plenipotentiary and Abſolute Commiſſioners.

3. I ſhall prove in the laſt place, That we have no grounds, either from the Laws of the Realm, or from thoſe of Nature, to pronounce the Throne void, upon ſuch a Retreat of a Prince, as we have before us.

1. To begin with the Laws of the Realm, which are either Acts of Parliament, or thoſe we call Common Laws. Now there is no Statute ſo much as pretended to ſupport this Deſerting Doctrine; and if there was, it's certain no ſuch can be produced. Indeed a Prince muſt be very weary of Governing, and void of the common Inclinations of Mankind, who would ſign a Bill of this Nature, and give his Subjects ſuch a dangerous Advantage againſt himſelf and his Poſterity.

Neither has this Opinion any better Countenance from Common Law: For Common Law is nothing but Antient Uſage, and immemorial Cuſtom. Now Cuſtom ſuppoſes Pre-

1688 Precedents and Parallel Cases: But its granted of all hands, That the Crown of *England* was never judged to be Demised, by the withdrawing of the Prince before now. And, therefore it follows, by undeniable Consequence, that this Opinion can have no Foundation in the common Law, because there is not so much as one Ruled Case to prove it by. Nay, our Laws are not only silent in the maintenance of this Paradox, but against it, as I shall make good by two Precedents.

1. From the Case of *Edward* the Fourth, who having not sufficient Force to encounter the Earl of *Warwick*, who had raised an Army for King *Henry*, was obliged to fly the Kingdom; but that he deputed any Persons to represent him, our Histories don't give us the least intimation: Neither was it objected at his Return, that he had abdicated the Government, by omitting to constitute a Regent. Neither is it material to object, that all Disputes of this Nature were over-ruled by his Victorious Army; for if it had been the known Law of this Realm, that a Prince had *ipso facto* forfeited his Crown by going beyond Sea, without leaving a Deputation, though his Departure should happen to be Involuntary: If this, I say, had been the Law of the Kingdom, it would not only have been a great Advantage to *Henry* the Sixth, and made the Nation ring of it, (of which there is *altum Silentium*;) but we may be well assured, King *Edward* would not have conferr'd Honour, worn the Crown, and taken the State and Authority of a King upon him, till he had been re-established by Parliaments. But that he did exercise all Acts of Sovereignty before the calling of a Parliament, appears from *Daniel*, *Stow*, and *Baker*. And when the Parliamant was Convened, those who had taken up Arms against him were found Guilty of Treasons, and his Adherents were restored to Blood and Estate (*Daniell.*) But there was no Confirmation, or resisting of his Title, which is a Demonstration there was no need of it; and that this Abdicating Doctrine was perfectly unknown to that Age.

2. To come nearer our own Times, what Seals, or Commissioners did *Charles* the Second leave behind him after *Worcester* Fight? And yet, I believe, no Mortal ever urged this as an Argument against his Restauration. If it be Answered, that there was much more Danger in this case, than in that before us. To this I reply, That if we examine the Matter more narrowly, we shall find the disparity very inconsiderable. For was there not a numerous Army of Foreigners and Subjects in the Field, against his present Majesty at his retiring? What Power or Authority, or so much as Liberty was there left him? And I am afraid that at that time he had fewer Friends to stand by him than his Brother after the unfortunate Battel in 51.

And since this pretended Dereliction has no manner

Protectio

Protection from the Conſtitution, it has no other Refuge but the Laws of Nature to fly to; but a very little Storming will ſerve to drive it from this laſt Retrenchment.

For the Law of Nature is nothing but the Reaſon of the Thing. Now impartial Reaſon has always a regard to the Circumſtances of Action, and makes Allowances for Surpriſe, for Straitneſs of Time, for Reſentment upon extraordinary Provocation; and never takes an Advantage of an Omiſſion, which may be fairly Interpreted from any, or all of theſe Cauſes. I mention this, not that the preſent Caſe needs any ſuch Allowance, but to ſhew that the Law of Nature will admit it, if occaſion required. 'Tis true, written Laws, either through the ambiguity of the Words, or the defectiveneſs of the Senſe, are often abuſed by ill Men, and wreſted contrary to the Deſign of the Legiſlators: But the Law of Nature is not tyed up to the Alphabet, nor bound to determine by the Imperfections of former Ages. Therefore this Principle will give the Enquirer no *juſt Advantages* againſt his Majeſty; for Equity has no Quirks in it, nor ever lies at Catch. Reaſon is always juſt and generous, it never makes Misfortune an Accuſation, nor judges in favour of Violence. Indeed, what can be more Unrighteous, (though the Caſe was private and inferior) than that any one ſhould Suffer for being Injured, and be barred his Right for the Faults of others? If a Man ſhould forfeit his Houſe to thee who ſet it on fire, only becauſe he quitted it without ſome formal Directions to the Servants; and be oblieged to loſe his Eſtate, for endeavouring to preſerve his Life. I believe it would be thought an incomprehenſible ſort of Juſtice. If to proceed in this manner be not to eſtabliſh Wickedneſs by a Law, I have done. If Princes may be thus roughly treated, their Birth is a Misfortune to them; and we may ſay, they are Crown'd rather for Sacrifice than Empire. At this rate, the People muſt even Govern themſelves, for the Throne will be a place of too much Danger to ſit on any longer. We have an Excellent Church, and we do well to take due care to continue its Eſtabliſhment; but to diſpoſſeſs our Prince, upon this Score, has as little Divinity as Law in it. To endeavour to preſerve our Religion by ſuch Methods, will make it the more fatal to us in the Event than Atheiſm it ſelf. 'Tis a Miſtake to think the World was made for none but Proteſtants; and if Dominion was founded in Grace, I am afraid our ſhare would not be great in the Diviſion.

If it is Objected, That his Majeſty's not ſending to his People, upon his Removal, is an Argument that he intended to govern them no longer. To this I Anſwer.

1, That

1688

1. That I am pretty well assured that no Man, who makes this Objection, believes the truth of it; and therefore I might safely leave it to his own Conscience to confute him.

Secondly, His Majesty was scarcely Landed in *France* before the Administration was conferred upon the Prince of *Orange*; which Action might very well discourage his Majesty from sending any Messages so soon as he intended: But since it's known, his Majesty has sent Letters (if not to the Privy Council, as some affirm,) yet to the Convention.

Thirdly, Those who were the Occasion of his Majesty's Departure, should (one would think) have waited on him, and invited him back. For without question, the injuring Person ought to make the first step towards an Accommodation, especially when the Wrong is done to his own Prince. Now whether his Majesty has been well used in this Revolution, or not, I leave the World to judge now, and I doubt not but God will do it afterwards.

Thus (SIR) I have ventured to give you my Thoughts upon this Subject; and am

Affectionately Yours.

A Letter to a Member of the Convention. by Dr. Sh———ck.

SIR,

I Hear you are Elected a Member of this next Convention and therefore expect to see you very suddenly in Town, But I can tell you my Mind more briefly in Writing, and you may think better of it, when you see it before you, and therefore I rather chose to give you the trouble of this Paper, than to leave all to a personal Conference at our next meeting.

I will not dispute with you about what is past, or what is to come; it is too late to do the first, and for the second, whatever becomes of other Arguments, Interest is most apt to prevail, and therefore all that I beg of you, is to take care that you do not mistake your own and the Nation's Interest in a matter of such high Concernment.

There

There is no leſs Affair before you than the Fate of Princes, and of three Kingdoms, which requires the moſt Calm, Mature and deliberate Advice; and yet when you come to *London*, you will find ſuch Diſtractions and Diviſions in Men's Counſels, that all the threatning Dangers of Popery were not a more formidable Proſpect to conſidering Men, and Old Animoſities are revived, and new ones fomented every day; ſome were viſibly acted by Ambition, others by Revenge; the Diſſenters are very buſie to undermine the Church, and the Commonwealth-men to ſubvert Monarchy, and the *Lord have mercy upon us all.* I doubt not but you will readily confeſs, that it is the common Intereſt to have things ſetled upon ſuch a bottom, as is moſt like to laſt, and then I am ſure, you muſt conſult both Law and Conſcience in the matter, and keep to the Old Eſtabliſhments as near as you can; for when there are ſo many Diſtempers in Mens Minds, and ſuch contrary Intereſts, It's no time to innovate; 'tis no time to lay new Foundations, when there are frequent Earthquakes, which will not give them time to ſettle: The Revolutions of State have been ſo quick and ſudden of late, that all prudent Men will be cautious how they try Experiments which are commonly dangerous and uncertain, but eſpecially in matter of Government, which depends upon the good liking of free and moral Agents; and when ſo many hundred thouſands are to be ſatifyed, you can never gueſs at the prevailing Opinion, by the Major Vote of a Convention. 1688

Let us then conſider what is moſt likely to give the moſt general ſatisfaction to the Nation; for that I am ſure, is moſt likely to be laſting; and becauſe you may be a ſtranger to theſe matters yet, I will give you an account of the different Projects now on foot, as well as I can learn them.

Some are for ſending to the King, and treating with him to return to his Government, under ſuch legal Reſtraints, as ſhall give ſecurity to the moſt Jealous Perſons, for the preſervation of their Liberties, Laws and Religion, and if he will not conſent to this, to make the next Heir Regent, others are for declaring the Crown forfeited and demiſed, and proclaming the Princeſs of *Orange*: Others will have the Government diſſolved, and begin all *de novo*, and make the Prince of *Orange* King, or Crown him and the Princeſs together, and poſtpone the Title of the Princeſs *Ann* till after the Prince's death, if he ſurvive the Princeſs. I ſhall not pretend to tell you, which of theſe I ſhould prefer, were it *Res integra*; for the Queſtion is not, which you and I ſhould like beſt, but which will be the firmeſt Foundation for the Peace but Settlement of theſe Kingdoms.

1. And for the firſt, Tho' it be horribly deſcryed, and ſuch Men fooliſhly expoſed as Friends to Popery and Arbi-

trary

1688 trary Power, yet *I* could never meet with any one yet, who had the Face to reject all Treaty with the King, upon any other pretence, but that it was in vain, and 'tis impossible he should give any Security to the Nation, That he would govern by Law, which is so ridiculous a Pretence, that it will satisfie no body, but those who are resolved that he shall never return; for, as little as *I* am versed in this matter, *I* could frame such Laws as should put it utterly out of the King's power to invade our Liberties or Religion: However *I* am sure, we should have thought our selves very secure, would the King have called a Free Parliament, and given them Liberty to have made what Laws they pleased, and that which would have given such general satisfaction before, had it been granted: *I* suspect, should it now be granted, and refused, that should give us general dissatisfaction; nay, the very refusal to treat, will be thought such a Scandalous neglect of our Duty to a Foreign Prince, and give such Jealousies to People, that those who oppose it, are only afraid the King should comply, as will be the Foundation of universal Discontents, which will shew themselves upon the first occasion: It's certain, would the Convention treat with the King, either they would agree, or they would not agree; if they could not agree upon the proposal of reasonable Securities, this would satisfie Multitudes of People that they had tryed; if they did agree, this would give universal Satisfaction, and there were an happy end of all our Troubles.

But now let us suppose, that part of the Convention should prevail, which is against treating with the King, and for deposing and setting him aside without any more to do; let us consider what is like to be the most probable Consequence of this.

It is certain, This fundamental Change in the Government, cannot be made by any legal Authority, for the Convention will not pretend to any such Legal Power, and there can be no Parliament without a King; and a King, whose whole Authority depends upon a Convention that has no such Authority, is but in a weak State as to Civil Right: No Man will think himself bound in Conscience to obey him, and when every Man's Conscience is free, let such a Prince beware of epidemical Discontents: And let you and *I* calmly consider, what Discontents may probably arise upon such a Juncture.

1. First then, All those who think themselves bound by their Oaths of Allegiance, to defend the King's Person, Crown and Dignity, who wonder at Men of Law, who talk of a Forfeiture or Demise of the Crown while the King lives, and flies out of his Kingdom only for the safety of his Person, and because he will not trust himself in the Power

of his Enemies; I ſay, all ſuch Perſons will be greatly diſ- 1688
contented at Depoſing the King, and will never own any o-
ther King, while their own King, to whom they have ſworn
Allegiance, lives; and tho you ſhould ſuppoſe ſuch Conſci-
entious Men to be very few, yet if theſe few ſhould happen
to be Perſons of Character, of known Prudence and Ability,
Integrity and Honeſty in Church or State, their Example
would give a tolerable Shock to ſuch a new tottering Go-
vernment, tho' they were never ſo tame and peaceable,
void of Faction and Sedition themſelves.

And yet let me tell you, you muſt not judge of the num-
bers of theſe Men, by the late general defection; the whole
Nation, I confeſs, was very unanimous for the Prince, great
numbers of Gentlemen, nay, of the King's own Soldiers,
went over to him; very few but Papiſts offer'd their Ser-
vice to the King; but the reaſon of this was very evident,
not that they were willing to part with the King, and ſet up
another in his room, but becauſe they were horribly afraid
of Popery, and very deſirous to ſee the Laws aud Religion
of the Nation ſettled upon the old Foundation by a free
Parliament, which was all the Prince declared for; but
many who were well-wiſhers to this Deſign, will not re-
nounce their Allegiance to their King; and now they ſee
what is like to come of it, are aſhamed of what they have
done, and ask God's pardon for it, and are ready to undo
it as ſoon as they can.

2. Beſides a thouſand occaſions of Diſcontent which may
happen in ſuch a Change of Government as this which no
body can poſſibly foreſee, and yet may have very fatal Con-
ſequences; there were ſome very viſible occaſions for it,
beſides the ſence of Conſcience and Loyalty. How many
Diſcontents think you may ariſe between the Nobility and
Gentry, who attend the New Court? Every Man will think
he has ſome Merit, and expect ſome marks of Favour, to
have his ſhare of Honour, and Power, and Profit, and yet a
great many more muſt miſs than thoſe who ſpeed; and ma-
ny of thoſe who are rewarded, may think they have not
their Deſerts, and be diſcontented to ſee others preferred
before them; and thoſe whoſe Expectations are diſappoint-
ed, are diſoblig'd too, and that is a dangerous thing, when
there is another, and a rightful King to oblige; for Duty
and Diſcontent together, to be revenged of a New King,
and to be reconciled to an old one, will ſhake a Throne which
has ſo ſandy a Foundation: The like may be ſaid of the Sol-
diery, who are generally Men of Honour and Reſentment,
and have the greater and ſharper Reſentment now, becauſe
they are ſenſible of their Miſtake when 'tis too late, yet as
they ought not to have fought for Popery, nor againſt the
Laws and Liberties of their Country, ſo neither ought they

1688 to have deſerted the Defence of the King's Perſon and Crown, but have brought the Prince to Terms as well as the King.

Thus you may eaſily fore-ſee what a heavy Tax muſt be laid upon the Nation to defray the charge of this Expedition; and I believe the Country would have paid it very chearfully and thankfully, had the Prince reſtored to them their Laws and Liberties and Religion together with their King: But you know Men are apt to complain of every thing when Money is to be paid, and may be it will be thought hard to loſe their King, and to pay ſo dear for it too: And tho what the Convention does is none of the Princes Fault, no more than it was his Deſign, but angry People do not uſe to diſtinguiſh ſo nicely. But there is a greater difficulty ſtill then all this, there are no Contentions ſo fierce as thoſe about Religion, this gave Life and Spirit to the Prince's Deſign, and had the main ſtroak in this late Revolution; and tho Popery were a hated Religion, yet moſt Men are as zealous for their own Religion as they are againſt Popery: thoſe of the Church of *England* who are very glad to get rid of Popery, will not be contented to part with their Church into the Bargain, for this would be as bad as they could have ſuffered under Popery: The ſeveral Sects of Diſſenters are glad to get rid of Popery alſo; but now they expect glorious Days for themſelves; and what they expect God Almighty knows, for I am confident they do not know themſelves: Now conſider how difficult it will be for any Prince who has but a crazy Title to the immediate Poſſeſſion of the Crown, to adjuſt this matter ſo, as neither to diſguſt the Church of *England* nor the Diſſenters, and if either of them be diſobliged, there is a formidable Party made againſt him. This being the caſe, ſhould the King be depoſed, and any other aſcend the Throne, it will be neceſſary for them to keep up a ſtanding Army to quel ſuch Diſcontents; for where there are, and will be Diſcontents without any tye of Conſcience to reſtrain Men, there can be no defence but only in Power; and this will raiſe and increaſe new Diſcontents, for it alters the frame of our Conſtitution, from a Civil to a Military Government, which is one of the great Grievances we have complained of; and I believe *Engliſh* People will not be better pleaſed with *Dutch* or *German*, or any Foreign Souldiers, than they were with their own Country-men; and I believe *Engliſh* Soldiers will not be extreamly pleaſed to ſee themſelves disbanded, or ſent into other Countries to hazard their Lives, while their Places are taken up by Foreigners, who live in Eaſe, Plenty and Safety; and when things are come to this paſs, which is ſo likely, that I cannot ſee how the Wit of Man can prevent it, I ſhall ſuppoſe but one thing more, which you will ſay is not unlikely

likely, that the King return with a Foreign Force, to recover his Kingdoms, how ready will the Men of Conſcience, and the Men of diſcontent be to joyn him; nay, to invite him home again; and if he returns a Conqueror, you will wiſh, when it is too late, that you had treated him, and brought him back upon ſafe and Honourable terms. 1688

Secondly, Let us ſuppoſe now, That all this ſhould be over-voted (for I am ſure it can never be anſwered) and the Convention ſhould refuſe to proclaim the next Heir.

1. You muſt be ſure to examine well who is the next Heir; that is, you muſt throughly examine the Pretences of the Prince of *Wales*, and if you have not good Proof of the Impoſture, you had better let it alone. For tho' the Nation has had a general Preſumption of it, yet a Male Heir of the Crown is mightily deſired, and People would be very fond of him, if they had one, and ſeem to expect better Proofs than meer Preſumptions againſt him; becauſe common Fame has promiſed a great deal more, and if you ſhould either ſay nothing to it, or not what is expected, it would be a very plauſible Pretence for diſcontented People to quarrel.

2. Suppoſe the Princeſs of *Orange* ſhoul appear to be the next Heir, what if a Lady of her eminent Virtue ſhould ſcruple to ſit upon her Father's Throne while he lives? Or what if ſhe ſhould ſcruple it hereafter, and place her Father in his Throne again? This is not impoſſible, for Vertue is greater than a Throne. For my part, I think you will put a very hard thing upon ſo excellent a Lady, and I pray God give her Grace to reſiſt the Temptation. A Regency is more tolerable, becauſe a Nation muſt be governed, and none ſo proper to govern it as the next Heir; but I ſhould think none who expect to wear a Crown, ſhould countenance Subjects in depoſing their King, nor accept of a Crown upon ſuch Terms, as to take it off of a Father's Head: Its a dangerous thing for a Prince who has a Title to the Crown, to own that the Crown may be forfeited and demiſed by ſuch a withdrawing; if this be not ſo, the Princeſs has no right to the poſſeſſion of the Crown yet, and if it be ſo, her Crown is worth a great deal leſs than formerly it was, eſpecially if ſhe own this Secret by accepting the Crown, which her Anceſtors always concealed, and which the beſt Subjects of *England* would not believe before; what they may do after this, I know not.

Thirdly,

1688 *Thirdly*, The next Deſign (I verily believe, without the Thought or Knowledge of the Prince, who has too great a Mind to think of any thing, which in the Opinion of any wiſe Man, could ſtain and ſully his Glory) is to give the Crown to the Prince of *Orange*, for it muſt be a Gift, if any thing; for he has no immediate Title to it that I know of. This is upon a pretence that the Government is diſſolved, and therefore we muſt begin *de novo*, which is very ridiculous, when the King is ſtill alive, and the Laws in as full force as ever, only the regular Adminiſtration of the Government, at preſent interrupted by the King's abſence; but this is not the worſt of it, for 'tis a dangerous pretence too, eſpecially to Men of Quality and Eſtates, as you are; for if the Government be diſſolved, our Laws are diſſolved, and Honour and Property diſſolved with them, and then I doubt the Mobile will come in for their ſhare in the New diviſion of the Lands, and ſet up for Men of as good Nobility as any; for if our Laws are gone, we return to a ſtate of Nature, in which all Men are equal, and all things common; this, I believe, you'l not be for, for that reaſon above mentioned.

If then the Laws continue, the Government is not diſſolved, and the Crown is not a Gift, but an Inheritance ſtill, as much as your Eſtate; and then the Prince of *Orange* cannot have it in his own Right, becauſe his own Princeſs, and the Princeſs *Ann* are before him; Conſider then what the Conſequence of the Project would be.

1. This alters the eſſential Conſtitution of the *Engliſh* Government, by changing an Hereditary into an Elective Monarchy, a thing which I know ſome Men are very fond of; for even the next occaſion they can find to quarrel with their Prince, they may, with as much eaſe, turn it into a Commonwealth, for when the Crown is at the People's diſpoſal, they may, if they pleaſe, keep it to themſelves.

2. This will entangle all Men of Conſcience in new Difficulties; for the Oath of Allegiance does not only bind us to the King, but to his Heirs and Succeſſors, which muſt be underſtood of the next lineal Heir, where there is no Authority to alter it; and whatever a Parliament may be thought to have with the Authority and conſent of the King, no Man pretends that a Convention of the Eſtates has any Legal Authority to do it: I ſhould be as heartily glad as any Man, to ſee the Prince of *Orange* Legally ſeated on the *Engliſh* Throne; but theſe are Difficulties I cannot break through. Thus I have given you my hearty Thoughts, and pray God to direct you.

I am Yours.

POSTSCRIPT

POSTSCRIPT.

THERE is one thing more I would beg of you, That *the Story of the* French *League to cut the Protestants Throats in* England, may be well examined, for this did more to drive the King out of the Nation, than the Prince's Army; and if this should prove a Sham, as some, who pretend to know, say it is; it seems, at least, to be half an Argument to invite the King back again: In short, remember you are a Convention, not a Parliament, and therefore nothing can give Authority to what you do, but the good liking of the People; and as Necessity only can justify your meeting without the King's Writ, so I hope you will take care to do nothing but what will justifie your self *to* God, the King, and your Country.

BOOKS *newly Printed.*

THE Life of *William* III. Late King of *England*, and Prince of *Orange*. Containing an Account of his Family, Birth, Education, Acceſſion to the Dignity of Seadtholder, and Captain General of *Holland*, his Marriage, Expedition to *England*, and the various ſteps by which he and his Princeſs aſcended the Throne, with the Hiſtory of his Reign, Enterprizes, and Conduct in Peace or War. And a Relation of his Will, Death and Funeral. Intermixt with very many Original Papers, Letters, Memoirs; his publick Speeches, Declarations, Treaties, and Alliances, ſeveral of which never before Printed. Illuſtrated with divers Cuts, Medals, &c. The Second Edition Corrected. Printed for *S.* and *J. Sprint*, and *J. Nicholſon* in *Little Britain*; *J. Knapton* at the *Crown* in St. *Paul's Church-Yard*; and *B. Took* at the *Middle-Temple-Gate* in *Fleet-ſtreet*.

A New Voyage round the World, deſcribing the *Iſthmus* of *America*, the Iſles of *Cape Verd*, the paſſage by *Terra de fuego*, the *South* Sea Coaſt of *Chili*, *Peru* and *Mexico*, the Iſle of *Gnam*, *Mindinao*, and other *Philipine* and *Eaſt India* Iſlands near *Cambodia*, *China*, &c. *Sumatra*, *Nichabar* Iſle, the *Cape* of *Good Hope*, St. *Helena*, &c. Vol. the Firſt.

——A Supplement to the Voyage round the World. With a Diſcourſe of Winds, Tides, and Currents. Vol. 2.

—— A Voyage to *New Holland*, in 1699. Vol. 3. All three writ by Captain *Dampire*, and ſold by *James Knapton* at the *Crown* in St. *Paul's Church-Yard*. Price 15 *s.* 6. *d.*

A compleat Hiſtory of *Europe*; or View of the Affairs thereof, Civil and Military; from the Treaty of *Nimeguen* to the end of the Year 1700, intermixt with very many Original Papers, Letters, Memoirs, Speeches, Declarations, &c. 8*vo*.

6 AP 58

A Compleat Hiſtory of *Europe*; or View of the Affairs thereof, Civil and Military, for the Year 1701, in which are very many Original Papers, as the Partition Treaty, Proceedings againſt Lord *Summers*, *Halifax*, *Orford*, &c. thereon, with their Defences; the Legion-Letter, Memorial, &c. The preſent State of the Imperial and Royal Families, and other Potentates in *Europe*, their Births, Marriages, Iſſues, Alliances, &c. A Catalogue of the Nobility, Privy Council, &c. of *England*, *Scotland*, &c. A Liſt of all Perſons in Offices and Places of Truſt in her Majeſty's Government.

A Compleat Hiſtory of *Europe*, for 1702, in which are all Original Papers; the Remarkables of the Year, wherein is an account of all conſiderable Perſons that have dyed this Year: The preſent State of the Imperial and Royal Families, Marriages, Iſſues, Alliances, &c. An exact Catalogue of the Nobility, Privy Council of *England*, *Scotland* and *Ireland*. And Perfect Liſts of all Perſons in Offices and Places of Truſt in her Majeſty's Government, as now Eſtabliſhed, to be continued Annually.

THE

THE TABLE.

A *Letter from* James *Duke of* York *to the Earl of* Peterborough. Page 3

Another from the Duke to the Earl. Ibid.

The Duke of York's *Commission (as Lord High Admiral) to the Earl of* Peterborough, *to constitute a Judge Advocate, &c. at* Tangier. 4

Lord Chancellor Clarendon's *Letter to the Duke of* York, *about the Dutchess turning Roman Catholick.* 5

The Earl of Clarendon's *Letter to the Dutchess of* York *about her turning Papist.* 6

Proceedings about the Duke of York's *second Marriage; the several Matches proposed, till the final Consummation of it.* 11

The King's Instructions to the Earl of Peterborough, *going Embassador Extraordinary to the Emperor, about a Match between the Duke of* York *and the Arch-Dutchess of* Insprug. 14

The Earl's Negotiations about the Duke's Marriage in several Foreign Courts. 16

The King's Instructions to the Earl of Peterborough *going Ambassador Extraordinary to* Modena. 25

The Duke of York's *Instructions to the Earl of* Peterborough, *in his Extraordinary Ambassy, touching his Marriage with the Princess of* Modena. 27

The Earl's progress in concluding the Match, &c. 29

The

The Duke of York's *Letter to Father* la Chaise. 41

Reasons for the Indictment of the Duke of York, *presented to the Grand Jury of* Middlesex, June 26. 1680. 42

Heads of the Expedients proposed by the Court-Party to the Parliament at Oxford, *in lieu of the Bill for Excluding the Duke of* York. 44

An Address from the Middle-Temple *to King* James II. *towards the beginning of his Reign, being said to have been penned by Sir* Bartholomew Shower, *and was presented by Sir* Humphrey Mackworth. 46

A Treaty of Allyance renewed between James II. *King of* Great Britain, *and the* States General *of the united Provinces of the Low-Countries, made at* Windsor, August 17. 1685. 47

A Letter writ by Myn Heer Fagel, *Pensionary of* Holland, *to Mr.* James Stewart *Advocate, giving an account of the Prince and Princess of* Orange's *Thoughts, concerning the repeal of the* Test *and* Penal Laws, *&c.* 49

A Letter from myn Heer Fagel *to the Marquess of* Albeville, *King* James's *Envoy at the* Hague. 58

Bishop of Rochester's *Letter to the Ecclesiastical Commissioners.* 58

6 AP 58

The Marquis of Albeville's *Memorial to the States about a stricter Allyance with them.* 59

The Petition of the Lords Spiritual and Temporal, to King James *for the Calling of a Free Parliament; together with his Majesty's gracious Answer to their Lordships.* 60

The Lord Delamere's *Speech to the* Cheshire-men. 61

The Address of the Lord Dartmouth, *Admiral of the King's Fleet for the present Expedition, and the Commanders of his Majesty's Ships of War at* Spithead, *in his Majesty's Service under his Lordship's Command.* 63

A Letter from Kent *about the* Irish *Alarm.* 64

The Desertion Discussed, in a Letter to a Country Gentleman. 67

A Letter to a Member of the Convention, by Dr. Sh---ck. 78

FINIS.